

EXHIBIT E

Todd R. G. Hill,
toddryangregoryhill@gmail.com
pro se plaintiff
41459 Almond Avenue
Quartz Hill, Ca 93551
+1 [626] 232-7608

**UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

**TODD R. G. HILL , individually,
and as attorney-in-fact *guardian ad litem*
to ROES 1-888,**

Plaintiff,

vs.

**THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES**

Case No: 2:23-CV-01298-JLS-PD

Judge Assigned: Honorable Josephine L. Staton

DEMAND FOR JURY TRIAL

**PLAINTIFF TODD R. G. HILL'S
SUPPLEMENTAL FIRST AMENDED
COMPLAINT FOR DAMAGES,
DECLARATORY & INJUNCTIVE RELIEF
FOR DAMAGES, CIVIL PENALTIES, AN**

- 1 -

SUPPLEMENTAL FIRST AMENDED COMPLAINT FOR DAMAGES, DECLARATORY & INJUNCTIVE RELIEF

COLLEGE OF LAW:) ACCOUNTING, LIS PENDENS, PERMANENT
INJUNCTION, INVOLUNTARY
DISSOLUTION AND DECLARATORY RELIEF

THE GUILD LAW SCHOOL DBA INCLUDING CONSTITUTIONAL
PEOPLE'S COLLEGE OF LAW; HECTOR CHALLENGE TO A STATUTE PER FED.
C. PEÑA; CHRISTINA MARIN RULE 5.1 AND OTHER RELIEF ARISING
GONZALEZ, ESQ.; ROBERT IRA SPIRO, FROM:

ESQ.; JUAN MANUEL SARIÑANA, ESQ.;
PREM SARIN ; DAVID TYLER
BOUFFARD; JOSHUA GILLENS, ESQ.;
CLEMENTE FRANCO, ESQ.; HECTOR
SANCHEZ, ESQ.; PASCUAL TORRES,
ESQ.; CAROL DUPREE, ESQ., GARY
SILBIGER, ESQ.; EDITH POMPOSO;
ADRIANA ZUNIGA NUÑEZ
1) BREACH OF CONTRACT
2) COMMON LAW BREACH OF FIDUCIARY
DUTY – INDIVIDUAL & DERIVATIVE
3) BREACH OF FIDUCIARY DUTY
RELATED TO VIOLATION OF FEDERAL
AND STATE ADMINISTRATIVE LAW
AND BUSINESS PRACTICES

AND,

THE STATE BAR OF CALIFORNIA AS RELATED TO SOLICITATIONS IN
WELL AS THESE PERSONS AS VIOLATION OF BUSINESS AND
INDIVIDUAL EMPLOYEES ACTING IN PROFESSIONS CODE SECTION 17510.8
OFFICIAL CAPACITY OR AS
INDIVIDUALS: 5) UNTRUE OR MISLEADING STATEMENTS
IN VIOLATION OF BUSINESS &

- 2 -

SUPPLEMENTAL FIRST AMENDED COMPLAINT FOR DAMAGES, DECLARATORY & INJUNCTIVE RELIEF

LEAH WILSON, ESQ.; SUZANNE CELIA
 GRANDT, ESQ., ;VANESSA HOLTON,
 ESQ.; ELLIN DAVYTYAN, ESQ; LOUISA
 AYRAPETYAN; ALFREDO HERNANDEZ;
 JUAN DE LA CRUZ; NATALIE LEONARD,
 ESQ., DONNA HERSHKOWITZ, ESQ.;
 CARMEN NUNEZ; ELIZABETH HOM; JAY
 FRYKBERG; GINA CRAWFORD; LARRY
 KAPLAN; DAVID LAWRENCE; HON.
 JAMES HERMAN; PAUL A. KRAMER;
 CAROLINE HOLMES; IMELDA
 SANTIAGO; NATALIE HOPE; STEVE
 MAZER; YUN XIANG; JOAN RANDOLPH;
 JEAN KRISILNIKOFF; ENRIQUE ZUNIGA,
 ROBERT S. BRODY;

PROFESSIONS CODE § 17500
 6) CIVIL RIGHTS VIOLATIONS AND
 REMEDY UNDER 28 U.S.C. § 1654
 7) CIVIL RIGHTS VIOLATIONS UNDER 42
 U.S.C. § 1981 AND CA CIVIL CODE § 52.1
 (The Bane Act)
 8) NEGLIGENCE
 9) RICO
 10) CONSPIRACY
 11) COMMON LAW EXTORTION
 12) CIVIL RIGHTS VIOLATIONS AND
 REMEDY UNDER CA CIVIL CODE § 52.1
 (THE BANE ACT)

**THE OFFICE OF CHIEF TRIAL
 COUNSEL, THE STATE BAR OF
 CALIFORNIA AS AGENTS AND
 INDIVIDUALS:**

Unlimited Civil Case

GEORGE S. CARDONA, CHIEF TRIAL
 COUNSEL; MELANIE J. LAWRENCE,

1 INTERIM CHIEF TRIAL COUNSEL;
2 ANTHONY J. GARCIA, ASSISTANT
3 CHIEF TRIAL COUNSEL SHATAKA
4 SHORES-BROOKS, SUPERVISING
5 ATTORNEY ELI D. MORGENSTERN,
6 SENIOR TRIAL COUNSEL
7

8 and DOES 1-88.
9

10 **THE BOARD OF TRUSTEES, THE**
11 **STATE BAR OF CALIFORNIA AS**
12 **AGENTS AND INDIVIDUALS:**
13

14 RUBEN DURAN, Assembly Appointee,
15 Attorney Member, Chair (“DURAN”);
16 BRANDON N. STALLINGS, Supreme Court
17 Appointee, Attorney Member Vice-Chair;
18 MARK BROUGHTON, Supreme Court
19 Appointee, Attorney Member; HAILYN
20 CHEN, Supreme Court Appointee, Attorney
21 Member; JOSÉ CISNEROS, Governor
22 Appointee, Public Member; JUAN DE LA
23 CRUZ, Assembly Appointee, Public Member;
24 GREGORY E. KNOLL, Senate Appointee,
25
26
27

28 - 4 -

SUPPLEMENTAL FIRST AMENDED COMPLAINT FOR DAMAGES, DECLARATORY & INJUNCTIVE RELIEF

1 Attorney Member; MELANIE M. SHELBY,
2 Governor Appointee, Public Member;
3 ARNOLD SOWELL JR., Senate Appointee,
4 Public Member; MARK W. TONEY, PH.D.,
5 Governor Appointee, Public Member.
6

7 **THE OFFICE OF ADMISSIONS, THE**
8 **STATE BAR OF CALIFORNIA AS STAFF,**
9

10 **AGENTS AND INDIVIDUALS:**

11 AMY NUNEZ, Director III; AUDREY
12 CHING, Director I; NATALIE LEONARD,
13 Principal Program Analyst, Law School
14 Regulation; LISA CUMMINS, Principal
15 Program Analyst, Examinations; TAMMY
16 CAMPBELL, Program Manager II, Operations
17 & Management; KIM WONG, Admissions;
18
19 DEVAN MCFARLAND, Admissions.
20
21

22 Defendants
23
24
25

26 **ATTORNEY GENERAL**
27

28 - 5 -

SUPPLEMENTAL FIRST AMENDED COMPLAINT FOR DAMAGES, DECLARATORY & INJUNCTIVE RELIEF

PARTIES

PLAINTIFF

1. Plaintiff Todd Hill ("Plaintiff") is a United States citizen who resides in and holds his principal place of business in the city of Palmdale, County of Los Angeles, California. Plaintiff is employed and works in the business of specialty chemical services. Plaintiff is a member of the public, never admitted to the Bar nor entered on any attorney roll. Plaintiff is African American and a native of the State of California. Plaintiff suffers from at least one diagnosed physical or mental qualifying disability under the Americans with Disabilities Act. Plaintiff was a student at People's College of Law ("PCL") and believes he remains the rightful Secretary of the Corporation. At time of contract signing, .

DEFENDANT - THE BOARD OF DIRECTORS, OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLE COLLEGE OF LAW:

2. PEOPLE'S COLLEGE OF LAW ("PCL") is a nonprofit corporation incorporated 1974 to provide legal education services for preparation for admission to the STATE BAR. The school operates at 660 S. Bonnie Brae, Los Angeles, California 90057.
3. ENTERPRISE P ("Enterprise P") is distinct from PCL.
4. CHRISTINA MARIN GONZALEZ, ESQ. ("GONZALEZ") is an individual licensee associated with PCL. GONZALEZ served as PCL's President from January 17 to November 14, 2021. GONZALEZ is a PCL Alumnus, Class of 2012.

5. HECTOR CANDELARIO PEÑA RAMIREZ aka HECTOR P. RAMIREZ, aka HECTOR C. PEÑA, (“PEÑA”) is an individual residing in Los Angeles County, California. PEÑA is a PCL graduate and has served as the President and the Board Treasurer. PENA is a PCL Alumnus, believed class of 2017.
6. ROBERT IRA SPIRO, ESQ. ("SPIRO") is an individual associated with PCL. SPIRO has been involved with PCL from at least 2017 to present. SPIRO has connections to the STATE BAR and has served on various committees, including an ethics committee. SPIRO was the Dean of the law school until his retirement in 2021.
7. JUAN MANUEL SARIÑANA, ESQ. ("SARIÑANA") is an individual associated with PCL. SARIÑANA served as an adjunct professor from March 2020 to 2022 and as Dean of the law school.
8. PREM SARIN ("SARIN") is an individual and PCL graduate who has served as a PCL Board Member from November 2021 to the present.
9. DAVID TYLER BOUFFARD ("BOUFFARD") is an individual who has served as a PCL Board Member from November 2021 to the present.
10. JOSHUA GILLENS, ESQ. ("GILLINS") is an individual and PCL graduate who has served as a PCL Board Member from November 2021 to the present.
11. CLEMENTE FRANCO, ESQ. (“FRANCO”) is a PCL student who has served as a PCL Board Member from November 2021 to the present.
12. HECTOR SANCHEZ ("SANCHEZ") is an individual who has served as a PCL Board Member from November 2021 to the present.
13. PASCUAL TORRES, ESQ. ("TORRES") is an individual associated with PCL. TORRES has served as Dean of the law school for a brief tenure.

14. CAROL DUPREE, ESQ. ("DUPREE") is an individual who has served as a PCL Board Member from November 2021 to the present.

15. GARY SILBIGER, ESQ. ("SILBERGER") is an individual who has served as a PCL Board Member at various times from 2018 to the present.

16. JESSICA "CHUYITA" VIRAMONTES, ESQ. ("VIRAMONTES") is an individual associated with PCL at various times from 2018 to the present.

17. EDITH POMPOSO, ("POMPOSO") is an individual associated with PCL. POMPOSO has served as Dean of the law school since February 2022.

18. ADRIANA ZUÑIGA NUÑEZ is an individual associated with PCL in her capacity as PCL's paid Registrar.

STATE BAR DEFENDANTS

19. The State Bar of California ("STATE BAR") is a separate entity from Enterprise S. The State Bar is involved in the regulation of law schools and includes members serving on the Committee of State Bar Accredited and Registered Schools ("CSBARS") or on the Board of Trustees, or as licensees.

20. A. Defendant State of California ("STATE") is a sovereign public entity among the United States of America ("U.S." or "United States"). Plaintiff submitted a Government Claims Act notice to the State on September 22, 2022, via web portal and certified mail.

21. B. The Committee of Bar Examiners ("CBE") is authorized under Rule 4.2 to register, oversee and regulate unaccredited law schools.

22. C. The Committee of State Bar Accredited and Registered Schools (CSBARS) advises the State Bar of California's Committee of Bar Examiners (CBE) on matters related to legal education, including the development of rules and guidelines for accredited and unaccredited law schools. CSBARS is responsible for ensuring law school compliance.

23. The Office of General Counsel ensures State Bar staff and agents comply with the law and antitrust rules.

24. The Office of Chief Trial Counsel is responsible for handling attorney discipline cases.

25. The Office of Admissions operates under separate funding and reporting principles, managing student records and testing evaluation. A current organizational chart ("Org Chart") dated April 17, 2023, obtained from the STATE BAR's website, reflects a change in departmental effective April 2023, with CHING's promotion to Director and NUNEZ's transition to Assistant Director.

1. A true and accurate copy of the STATE BAR's Org Chart for the Department of Admissions, can be found on the State Bar's website here: (<https://www.calbar.ca.gov/About-Us/Who-We-Are/Organizational-Chart>.)

2. A copy of the latest reported "Office of Admissions Organizational Chart", ("Org Chart") can be found on the State Bar's web site here:
(<https://board.calbar.ca.gov/Agenda.aspx?id=16951&tid=0&show=100035387>)

26. Enterprise S is a separate entity from the State Bar, with no shared legitimate interests. The plaintiff provides an example of the alleged functioning of Enterprise S but does not claim to understand its motives or methods below.

27. ALFREDO HERNANDEZ ("HERNANDEZ") is an individual and State Bar involved in the recording and distribution of State Bar public meetings under the Brown Act.

28. JOAN RANDOLPH ("RANDOLPH") is an individual employed as a court official secretary in the Office of the General Counsel. Randolph is involved in the business of providing legal services.

29. RUBEN DURAN, ESQ. ("DURAN") is an active licensee and market participant in the legal services trade. DURAN also provides legal services to the State Bar as a corporate officer and Chairman of the Board of Trustees.

30. LEAH WILSON, ESQ. ("WILSON") is an individual employed as the Executive Director of the State Bar.

31. SUZANNE CELIA GRANDT, ESQ. ("GRANDT") is an individual who serves in an official capacity as Assistant General Counsel of STATE BAR.

32. VANESSA HOLTON, ESQ. ("HOLTON") is an individual who served as General Counsel for the STATE BAR's internal Office of General Counsel ("OGC") from at least the initiation of 2018 until her retirement effective July 8, 2022.

33. BRANDON N. STALLINGS ("STALLINGS") is a Supreme Court Appointee and Attorney Member Vice-Chair of the STATE BAR Board of Trustees.

34. MARK BROUGHTON ("BROUGHTON") is a Supreme Court Appointee and Attorney Member of the STATE BAR Board of Trustees.

35. ELI D. MORGENSTERN ("MORGENSTERN") serves as Senior Trial Counsel of the STATE BAR.

36. GREGORY E. KNOLL ("KNOLL") is a Senate Appointee and Attorney Member of the STATE BAR Board of Trustees.

37. ELLIN DAVYTYAN ("DAVYTYAN") is an individual and current General Counsel of the State Bar of California.

38. HAILYN CHEN ("CHEN") is a Supreme Court Appointee and Attorney Member of the STATE BAR Board of Trustees.

39. JOSÉ CISNEROS ("CISNEROS") is a Governor Appointee and Public Member of the STATE BAR Board of Trustees.

40. LOUISA AYRAPETYAN ("AYRAPETYAN") is the Secretary for the Executive Director and Board of Trustees of STATE BAR.

- 11 -

SUPPLEMENTAL FIRST AMENDED COMPLAINT FOR DAMAGES, DECLARATORY & INJUNCTIVE RELIEF

41. JUAN DE LA CRUZ ("DE LA CRUZ") is an individual who provides legal services as an employee, agent, or authority of STATE BAR.

42. DONNA HERSHKOWITZ, ESQ. ("HERSHKOWITZ") is an individual who provides legal services as an employee, agent, or authority of STATE BAR.

43. AMY NUNEZ ("NUNEZ") is an individual who provides legal services as an employee, agent, or authority of STATE BAR.

44. ELIZABETH HOM ("HOM") is an individual who provides legal services as an employee, agent, or authority of STATE BAR.

45. JAY FRYKBERG ("FRYKBERG") is an individual who provides legal services as an employee, agent, or authority of STATE BAR.

46. GINA CRAWFORD ("CRAWFORD") is an individual providing legal services as an employee, agent, or authority of STATE BAR.

47. MELANIE M. SHELBY ("SHELBY") is a Governor Appointee and Public Member of the STATE BAR.

48. TAMMY CAMPBELL ("CAMPBELL") serves as a Program Manager II for Operations & Management at STATE BAR.

49. LISA CUMMINS ("CUMMINS") is the Principal Program Analyst for Examinations at STATE BAR.

50. LARRY KAPLAN ("KAPLAN") is an individual providing legal services as an employee, agent, or authority of STATE BAR.

51. DEVAN MCFARLAND ("MCFARLAND"), Admissions, is an individual providing legal services as an employee, agent, and authority of STATE BAR.

52. KIM WONG ("WONG"), Admissions, is an individual providing legal services as an employee, agent, and authority of STATE BAR.

53. DAVID LAWRENCE ("LAWRENCE") is an individual providing legal services as an employee, agent, or authority of STATE BAR.

54. ARNOLD SOWELL, JR. ("SOWELL") is a Senate Appointee and Public Member of the STATE BAR.

55. MARK W. TONEY, PH.D. ("TONEY") is a Governor Appointee and Public Member of the STATE BAR.

56. HON. JAMES HERMAN ("HERMAN") is an individual providing legal services as an employee, agent, and authority of STATE BAR.

57. PAUL A. KRAMER ("KRAMER") is an individual providing legal services as an employee, agent, and authority of STATE BAR.

58. CAROLINE HOLMES ("HOLMES") is an individual providing legal services as an employee, agent, and authority of STATE BAR.

59. IMELDA SANTIAGO ("SANTIAGO") is an individual providing legal services as an employee, agent, and authority of STATE BAR.

60. NATALIE HOPE ("HOPE") is an individual providing legal services as an employee, agent, and authority of STATE BAR.

61. ENRIQUE ZUNIGA ("ZUNIGA2") is an individual and newly designate Public Trust Liaison providing legal services as an employee, agent, and authority of STATE BAR.

62. ROBERT S. BRODY ("BRODY") is an individual providing legal services as an employee, agent, and authority of STATE BAR.

63. STEVE MAZER ("MAZER") is an individual providing legal services as an employee, agent, and authority of STATE BAR.

64. GEORGE S. CARDONA ("CARDONA") is an individual providing legal services as an employee, agent, and authority of THE OFFICE OF CHIEF TRIAL COUNSEL, THE STATE BAR OF CALIFORNIA.

65. RACHEL R. ROSSI ("ROSSI") is an individual providing legal services as an employee, agent, and authority of THE OFFICE OF CHIEF TRIAL COUNSEL, THE STATE BAR OF CALIFORNIA.

66. ANTHONY J. GARCIA ("GARCIA") is an individual providing legal services as an employee, agent, and authority of THE OFFICE OF CHIEF TRIAL COUNSEL, THE STATE BAR OF CALIFORNIA.

67. SHATAKA SHORES-BROOKS ("SHORES-BROOKS") is an individual providing legal services as an employee, agent, and authority of THE OFFICE OF CHIEF TRIAL COUNSEL, THE STATE BAR OF CALIFORNIA.

68. YUN XIANG ("XIANG") is an individual providing legal services as an employee, agent, and authority of STATE BAR.

69. Plaintiff is informed and believes and based thereon alleges that certain of the Defendants and Doe Defendants 1-1 00 have improperly attempted to utilize various corporate and trust entity forms in an attempt to shield their personal or ultra vires corporate actions behind this veil of protection and avoid personal or other corporate liability. These Defendants have managed, supervised or worked for these entities as officers, directors, shareholders, employees and failed to respect the formalities and requirements in such a manner that these entity forms may be disregarded and pierced to reach these Defendants' personal or other corporate assets. Fur'.her, a fraud or injustice would occur if these Defendants were allowed to escape personal or other corporate liability. 9. Plaintiff is informed

and believes and thereon alleges that at all times material to this complaint, each of the Defendants and each of the Defendants fictitiously named in this Complaint, in addition to acting for himself, herself, or itself and on his, her, or its own behalf individually, is and was acting as the agent, servant, employee and representative of, and with the knowledge, consent and permission of, and in conspiracy with, each and all of the Defendants and within the course, scope and authority of that agency, service, employment, representation, and conspiracy. Plaintiff further alleges on information and belief that the acts of each of the Defendants were fully ratified by each and all of the Defendants. Specifically, and without limitation, Plaintiff alleges on information and belief that the actions, failures to act, breaches, conspiracy, and misrepresentations alleged and attributed to one or more of the specific defendants were approved, ratified, and done with the cooperation and knowledge of each and all of the Defendants.

I. JURISDICTION and VENUE

70. Jurisdiction rests with the Court under provisions of 18 U.S.C. §1961; 18 U.S.C. §1962; 18 U.S.C. § 1964, et sequentia, of the civil RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO); and Article III, Section 2, to the Constitution of the United States codified under 28 U.S.C. § 1331.

71. This Court has supplemental jurisdiction where state claims may become federal question under 28 U.S.C. § 1331.

72. **Constitutional Challenge:** Plaintiff contends the State Bar Act's mandatory membership provision is unconscionable and unenforceable due to the organization's unfair practices under the color of law and the detrimental and permanent harm suffered by the Plaintiff. The government's insistence on

1 compelling association in these circumstances fails to meet the standards of scrutiny required to
2 justify the infringement of the Plaintiff's constitutional rights.

3 73. Alternatively, Plaintiff asserts challenge on the theory that mandatory membership provisions of the
4 State Bar Act should be considered unconstitutional as the reasonable person in the Plaintiff's
5 circumstance would not willingly join an organization marred by such widespread misconduct.
6 Given the State Bar's tarnished reputation and failure to address its internal issues, the requirement
7 for mandatory membership constitutes an unfair infringement upon the Plaintiff's First Amendment
8 and other constitutional rights.
9

10 11 **III. FACTS AND COMMON ALLEGATIONS FOR ALL COUNTS**

12 74. Plaintiff incorporates paragraphs 1 through 73.

13
14 75. Plaintiff understands that he does not possess all the facts and thus seeks leave for discovery. If it is
15 determined by the finder of fact, Plaintiff asserts that all the Defendants share responsibility for the
16 harm and its remedy.
17

18 76. The State Bar Act of 1927 instantiates the STATE BAR's and is believed to define the scope of its'
19 regulatory authority.

20 77. Plaintiff believes based on credible report that the STATE BAR rules and guidelines are regulations
21 for purposes of Government Code section 11342.600.
22

23 78. The "Unaccredited Law School Rules" are adopted or amended by the Board of Trustees. These
24 rules in part define the scope of authority of the Committee of Bar Examiners ("CBE") the which
25 also controls law school registration, status, and degree-grant authority.
26
27

79. Plaintiff is informed and believes the STATE BAR Guidelines for Unaccredited Law School Rules (“GULSR”) include the rules for operation of fixed-facility institutions like PCL.

80. STATE BAR’s Guidelines for Unaccredited Law School Rules (“GULSR”) are adopted or amended under the authority of the Committee of Bar Examiners (“CBE”).

81. GULSR Rule 1.6 communicates the STATE BAR’s policy in handling “Student Complaints”. It reads:

Neither the Committee nor any office of the State Bar of California will intervene in disputes between students and their law schools. Student complaints are reviewed to determine if they raise compliance issues under the Unaccredited Law School Rules and, with the permission of the student, may be forwarded to the law school.

82. GULSR Rule 2.2 (B) requires “Honesty in Financial Dealings with Prospective Students, Applicants, and Students”. It reads:

A law school must deal with prospective students, applicants, and students in an honest and forthright manner in all financial dealings. A law school must adopt a written refund policy that is fair and reasonable.

83. The bases of plaintiff’s claims to rights violations lie in various breaches; of fiduciary duty; contract; the “implied covenant of good faith and fair dealing”, and trust.

84. Plaintiff will demonstrate pre-planned and intentional misrepresentations of the facts, willful concealment, retaliation, “unfair business practices” including debt collection under §17200 and false claims under §17500 and solicitation.

85. The various violations, appear objectively in the aggregate a combination of willful negligence, and a RICO-like anticompetitive combinations that remove student consumer protections.

86. At the time of PLAINTIFF’s matriculation in 2019 and election to the Board of Directors, (“Community Board”), PCL was subject to the “BYLAWS OF PEOPLES COLLEGE OF LAW”; a

1 true and correct copy of the relevant document as ratified May 22, 2017 was obtained by
2 PLAINTIFF during his activities on PCL's Board of Directors ("Community Board") and can be
3 found on the Court's web site prior marked as Exhibit D here:

4 87. Plaintiff served on PCL's Executive Committee (EC) concomitant with his attendance as a student.

5 Initially under the impression that it was a traditional and appropriate role as the Secretary of the
6 Corporation, Plaintiff later discovered that the EC was not legitimized by PCL's Bylaws or the
7 proper voting process. The EC, formed through an improper vote, was assigned various
8 inappropriate roles that lacked the resources and intention to address substantively.
9

10 88. During Plaintiff's tenure on the Community Board and as Secretary, he attempted to restore
11 compliance related to student unit reporting and other formalities but was consistently obstructed by
12 Defendants GONZALEZ, PENA, or SPIRO.
13

14 89. PCL's Bylaws provide for egalitarian decision-making and delegation, including a framework that
15 empowers student participation.

16 90. PCL's Bylaws also outline a process for elections and election disputes, including the establishment
17 of a framework for appointing a third-party trustee to resolve election conflicts.
18

19 91. PCL's 2021 Student Handbook states that payment plans for tuition arrearage must be approved by
20 the EC, which also reviews changes to student transcripts, academic appeals, ADA requests,
21 Academic Disqualification, and Student Grievances. The Handbook claims that the Community
22 Board may delegate some or all of its functions to the EC.
23

24 92. Despite the Student Handbook's assertion that EC members are specified in the PCL Bylaws, the
25 Bylaws themselves make no mention of the EC, its role, duties, members, or functions. During the
26 time relevant to this case, no official approach or mechanism was established for students to contact
27 EC members.
28

93. PCL DEFENDANTS have failed to respond to a qualified demand for the production of documents under California Business and Professions Code (“CBPC”) Section § 8330.

94. STATE BAR is alleged to have allowed PCL to operate in grossly negligent and overtly predatory fashion in its student recruitment and retention efforts.

95. STATE BAR is alleged to have implemented, promulgated, and enforced public policies or regulatory rules in effect made law, that the organization’s staff and leadership are reasonably believed based on information and personal experience were improper to enforce in these, or any, circumstances.

96. PCL failed to make proper and timely mandatory disclosures to PLAINTIFF during academic years 2019, 2020, and 2021, as well as at the time of matriculation contract signing and each year of attendance. Such failures include the provision of inaccurate or misleading information, resulting in non-compliance with the law and Rule 2.3(D), as well as the non-standard award of units and non-compliance with Rule 9.1 (oversight of recordkeeping processes).

97. PCL failed to maintain accurate records and provide timely access to students. PLAINTIFF sought a transfer and evaluation of his records by STATE BAR staff for admissions suitability review but faced obstacles in obtaining an accurate transcript from PCL.

98. From 2019 through April 27, 2023, PLAINTIFF remains without a true and accurate transcript, the one presented for exhibit missing at least 2 of the classes taken in Summer 2020. A true and accurate copy of the last non-conforming transcript is lodged with the Court as Document #8 and marked by PLAINTIFF as “EXHIBIT GRDS-1 TRANSCRIPT” and can be found on this Courts website here: (<https://ecf.cacd.uscourts.gov/doc1/031139584481>).

99. PCL DEFENDANTS had a duty to maintain accurate records and produce them upon lawful demand or to fulfill institutional obligations, such as ordinary business documents, notices of program nonconformance and transcripts.

100. PCL failed to adhere to appropriate student solicitation, recruitment and matriculation standards.

101. PCL DEFENDANTS failed to produce records until it was necessary for the PLAINTIFF to lodge a formal demand for the documents. PCL DEFENDANTS failed to produce the documents or respond to the request.

102. PCL DEFENDANTS failed to provide PLAINTIFF with access to board meeting minutes, zoom recordings by former President GONZALEZ, and the accounting and books held by PENA and BOUFFARD as Treasurer, as required. No other PCL DEFENDANT acted in accord with duty after receipt of multiple demands for the production of documents per CBPC §8330.

103. SPIRO, PENA, GONZALEZ, and ALL PCL DEFENDANTS solicited student election and Board participation without adequately informing them, including PLAINTIFF, of PCL's non-compliant status and their plans not to conform. They demanded and collected funds in bad faith, entering contracts while withholding material facts or failing to disclose, and using these funds for purposes of retaliation, intimidation, and suppression.

104. PCL Defendants engaged in various violations of fair business and debt collection practices through deceit, misrepresentation, or negligence in documenting, facilitating, and collecting property, including charitable solicitations.

105. PENA, GONZALEZ, SILBERGER, GILLINS, ZUNIGA1, SARIN, DUPREE, FRANCO, SARINANA, TORRES, and SANCHEZ have continued to hold meetings and act as a Board in protracted conflict with the Bylaws.

106. Plaintiff repeatedly notified the State Bar of potential violations of California law by PCL's agents, Directors & Officers. STATE BAR failed to take substantive action to address these violations or enforce established procedures for investigating complaints, neglecting to implement internal policies related to employee discipline.

107. On July 14, 2021 SPIRO issues resignation as Dean effective August 13, 2021, stating that the resignation is "irreversible", then indicating doubts as to whether or not he could resign from the Executive Committee.

108. On July 17, 2021 PLAINTIFF emails LEONARD in his capacity as corporate Secretary, with questions to LEONARD regarding the ongoing search for a replacement Dean. Her response of July 20, 2021 answered the immediate questions and noticed that she was unaware of the "departure."

109. Defendants violated various fair business and debt collection practices as well by documenting, facilitating, and collecting property through deceit, misrepresentation, or negligence.

110. PCL DEFENDANTS are required but failed to provide PLAINTIFF with the minutes of their board meetings, the zoom recordings by former President GONZALEZ, and the accounting and books held by PENA and BOUFFARD as Treasurer.

111. PCL DEFENDANTS are required to provide PLAINTIFF with an accounting upon request for the funds they claim owed; DEFENDANTS never provided the accounting.

112. The events surrounding the STATE BAR's handling of PCL's noncompliance establish a pattern of intentional avoidance of procedural law. As early as 2017, the STATE BAR knew expressly or constructively that PCL was out of compliance with state and federal regulations because it receives executed copies of every student's transcript. Despite this knowledge, the STATE BAR failed to intervene timely or substantively or procedurally. Repeatedly.

113. The STATE BAR engaged in denial of duty and gaslighting of PLAINTIFF, including specific actions by LEONARD, CHING, HOLTON, and WILSON.

114. The State Bar's handling of PCL's noncompliance demonstrates a pattern of intentional avoidance of procedural law since at least 2017, despite PCL's known and actual non-compliance with state and federal regulations.

115. LEONARD facilitated SPIRO, GONZALEZ, and PENA's unfair practice of unit issuance under the "color of law" by using official transcripts as a form of "currency" for administrative purposes. These defendants misrepresented or failed to correct STATE BAR rules in electronic communications, suggesting a conspiracy to frustrate the appropriate application of administrative procedure.

116. Generally, a law school accepting transfer has both a set maximum number of units it will accept for transfer as well as minimum time in attendance requirements precluding 100% equivalence in program progress after transfer. PCL's approach was an even greater burden on students who made the decision to transfer.

117. April 21, 2021, SPIRO issues an email with an "essay" identified as a "State of the School" report. It purportedly shows "greatly improved" FYLSX and Bar Exam passage rates. The report fails to indicate the actual number of students enrolled in the cohort for each year.

118. The reported pass rates are detailed below First Year Law Students Exam (FYLSX) Pass Rates:

1. 2016-2017 Academic Year: 8 students took the FYLSX, with 4 passing (50% pass rate).
2. 2017-2018 Academic Year: 3 students took the FYLSX, with 2 passing (67% pass rate).
3. 2018-2019 Academic Year: 7 students took the FYLSX, with 4 passing (57% pass rate).

119. The reported pass rates are detailed below Pass Rates for California Bar Exam Pass Rates:

1. 2017 Graduates: 8 students graduated, with 4 passing the Bar Exam (50% pass rate).

- 22 -

SUPPLEMENTAL FIRST AMENDED COMPLAINT FOR DAMAGES, DECLARATORY & INJUNCTIVE RELIEF

2. 2018 Graduates: 7 students graduated, with 3 passing the Bar Exam (42.9% pass rate).

3. 2019 Graduates: 3 students graduated, with 2 taking the Bar Exam but not passing (0% pass rate).

4. 2020 Graduates: 2 students graduated, with 1 passing the Bar Exam on the first attempt (50% pass rate).

120. PLAINTIFF believes based on experience and credible report that his Fall 2019 cohort began with 22 students; 2 passed “timely” in 2020. No additional passers from this cohort have been reported as of 2023.

121. On May 7, 2021, Defendants SPIRO, SILBERGER, PENA, GONZALEZ, met with Sarah Wild, a fundraising coordinator, to discuss a fundraiser held earlier in the week yielding \$29,100 in donations.

122. The meeting was held via Zoom. In that meeting the DEFENDANTS authorized a “Thank You” note to donors stating that, “100% of proceeds from this event will help PCL to advance the rights of those underserved by the legal profession --such as of people of color, people of low and modest income, LGBTQIA+, immigrants, the disabled, the unhoused, rank and file workers, tenants and victims of police abuse -- by turning out lawyers from similar demographic and economic backgrounds.”

123. The letters were to be signed and were signed by either and only PENA, GONZALEZ, or SPIRO.

124. Plaintiff has no evidence nor reason to believe that a single penny of these funds was used towards the stated purpose and his initial requests and final demands for an accounting have gone unanswered.

125. On August 2, 2021, at 10:57 am SPIRO sends email to Nancy Popp stating, “ Nancy, I had to change your transcript by hand”, further explaining that “I couldn’t change it in Populi because I would have to change the units for all first year students, and PCL hasn’t decided to do that.”

1. Important to note are the host of other metrics on the PCL transcript changed by the units adjustment including: “earned credits” per course per quarter, total earned credits per course per quarter, “points” per course per quarter, total points per quarter, total earned credits for the academic year (at the bottom), total points for the academic year (also at the bottom)

126. On August 3, 2021, PLAINTIFF sends LEONARD request for clarification regarding the unit issuance and transcript correction requirements.

127. On August 3, 2021, LEONARD sends in response “In addition to this email, you also sent a prior email discussing clarification. Could you resend a copy? We are having a technical issue with the first email.” The email she is referring to is believed one sent in 2020.

128. On August 3, 2021, at 5:13 pm, SPIRO sends to group including GONZALEZ and PLAINTIFF an email from SPIRO to LEONARD, sent earlier with the subject “RE: explanation to another law school of units on Peoples College of Law's transcripts”. There does not appear to be a confirmation from LEONARD, but in what he states sent SPIRO writes to her:

“I explained that I have been requested to send to another law school, along with students’ transcripts, a notation or attachment explaining PCLs designation of quarter courses as 2 units, not three. I said I was thinking of a letter from me that would accompany the transcript rather than something attached to the transcript or written on it. I noted that our quarter courses are 10 weeks, with 3 hours of instruction per week. To use the words of the request I received, it was that the notation or attachment should state “the inconsistent listing of Semester Units for

Quarter Classes and clarifying the correct Quarter Units (3.0) for each 1L Course.” (Note that I disagree with that quoted characterization.)

You explained that I, and Peoples College of Law should not send such a communication, because it could be interpreted as an improper solicitation, by PCL or me, of the other law school to credit the students with more units for the students’ classes at PCL than the other law school would otherwise credit. You explained that for the other law school to do that would be a violation of State Bar rules.

You also explained that the communication could be considered an improper alteration of the transcript.

129. The only part of the statement made in this communication by SPIRO believed true is the STATE BAR’s prohibition on an institution accepting a transfer student and granting units in excess of those awarded at the student’s original school.

1. PLAINTIFF believes the use of the potential for “improper solicitation” as excuse to avoid correction of the issues as telling of the “bad faith” and resistance to comply with the law of the PCL DEFENDANTS since no actual correction would occur on behalf of the PLAINTIFF for another year, roughly June 2022.

2. PLAINTIFF submits this as additional evidence of his specific targeting, as other students had their issues, at least in this regard, remedied.

130. On August 3, 2021, Scott Bell and Kevin Clinton, student volunteers acting in their delegated capacity as PCL’s Election Committee sent out a notice of elections to be held August 30, 2021.

131. PCL’s Bylaws Section 4.14 informs that during a "Members" term of service on the “Community Board”, the member is deemed an officer of the corporation.

132. August 31, 2021, SPIRO sends email to group including SARINANA, TORRES, GONZALES, VIRAMONTES, and PENA explaining PCL's academic scheduling and potential student issues: "If they don't enroll as 3Ls this fall, i.e. now, and they want to continue their law school studies at PCL, there's a problem with them skipping only one year, i.e. skipping this academic year. The 2Ls and 3Ls take the same courses every year, so the courses for them rotate every other year. Thus, if they don't enroll this year but resume the year after, the 3L courses would be the same ones they took this past academic year, i.e., in 2020-2021. A student can't get credit for the same course twice, i.e. can't get credit for repeating a course. Thus, either they would have to skip two years, OR they PCL might be able to accommodate them in the following way: They could take 4L courses next academic year, and then take the 3L courses in their final year. One problem with that is that the 4L courses include one that is Bar Exam prep for the full year. But PCL might be able to replace that with an elective or two."

1. PLAINTIFF believes the 4L curriculum was not necessarily a "rigid offering" and that the school would ordinarily offer a 4L curriculum with electives and had a duty to do so in this case or attempt cure in "good faith".
2. PLAINTIFF believes that this also demonstrates the PCL DEFENDANTS constructive and express knowledge of the risks to the student in "missing classes" and the power disparity in the relative positions of the PLAINTIFF and PCL.

133. On September 6, 2021, Robert Skeels, Esq., a volunteer Professor, and PCL graduate emails a brief report to the Board "*Regarding Peoples College of Law Awarding of Course Units and Students Transferring Out*" ultimately recommending change to the longstanding practice.

134. September 7, 2021, GONZALEZ issues an email stating “This has already been researched” and “would require” an application for "major change". PLAINTIFF after diligent search was unable to locate and is unaware of any evidence corroborating this policy claim.

135. September 8, 2021 PENA sends an email to the group, indicating that in an “extensive email chain” between SPIRO and LEONARD she “stated that “we must not unilaterally change the unit allocations since it would constitute a major change.” PLAINTIFF has found no evidence that this is the case of statute or interpretive guideline. In the same email, PENA asks if PLAINTIFF has received any response from his inquiry to LEONARD.

136. October 15, 2021, Election results, confirming PLAINTIFF’s win, are published by the Committee’s volunteer Chair Scott Bell.

137. On October 17, 2021, PLAINTIFF based on personal experience and communications, GONZALEZ, without prior warning and with prior vote taken prohibiting such activity, records video of meeting for the fourth time as GONZALEZ and PENA attempt to legitimize invalidation of PLAINTIFF’s election to the Community Board.

138. October 19, 2021, PLAINTIFF sends demand for video recordings and documents and alleges the violation of PC 632, believed to be a recording privacy violation to SPIRO, PENA, and GONZALEZ.

139. October 25, 2021, PLAINTIFF sends email to SPIRO after discovering that SPIRO, at that time thought to have “retired” is constructing a Director’s and Officer’s (“D&O”) insurance policy application without any input or knowledge beyond that of the “EC”, including PENA and GONZALEZ.

140. October 25, 2021, GILLINS in response to the email chain of the same date states “I would like to clarify, I am not a member of the executive committee, or any other committee. If the election

1 results are being questioned, or contended, I am not clear that I am even a member of the board until
2 the election committee submits it's formal determination and report in writing.” No report was ever
3 produced, and PLAINTIFF understands GILLENS has served and continues to serve presently.

4
5 141. October 27, 2021, in response to a request for progress, LEONARD informs PLAINTIFF

6 142. October 31, 2021 PLAINTIFF send email to GONZALEZ, SARINANA, and SPIRO to facilitate
7 greater responses related to the student complaints he was fielding separate from his own concerns.
8 GONZALEZ states in the email “I don’t know what “complaints” you are referring to...” and refers
9 me back to the use of the “proper channels” the students are all complaining about. At this stage the
10 transcript issues were an open and public topic for discussion.

11
12 143. November 19, 2021 GONZALEZ issues a “letter of resignation” dated November 14 and
13 effective November 20, 2021 to the PCL Membership. In the same letter she gaslights and maligns
14 the PLAINTIFF, stating she suffered from “repeated abusive and oppressive behavior” causing her
15 “severe emotional distress” as the result of “abhorrent behavior” and encouraging the Board to take
16 “decisive action against” the PLAINTIFF. GONZALEZ and PLAINTIFF have never been in the
17 same room, as all interactions were remote via email or Zoom between the parties during this time.
18 PLAINTIFF was the only party mentioned and the President of the school issued what was
19 essentially a targeted command to “attack”. GONZALEZ completed the letter adding the tagline
20 before her signature, “in solidarity”.

21
22 144. The letter was distributed to the entire membership, more than 100 individuals including a
23 substantial number of attorneys and his classmates, attached along with minutes and the meeting
24 packet. The letter was not removed from the portal as of Plaintiff’s last access believed June 2022. It
25 is believed this letter violated the school’s own disclosure and privacy policies.
26
27

145. November 19, 2021, GONZALEZ, PENA, SPIRO, SARIN and BOUFFARD and ALL PCL DEFENDANTS issue or cause to be issued notice of a BOARD MEETING to occur 11:00 am November 21, 2021.

1. Included are draft Board Meeting minutes with an erroneous account of the election events and results likely designed to legitimize the improper conduct of the elections.

146. On November 21, 2021, ALL PCL DEFENDANTS are believed to have met while blocking PLAINTIFF's participation as a rightfully elected incumbent and without appropriately obtaining his resignation or curing the issues with the election. This meeting took place remotely, over Zoom, and thus is believed to

147. On November 23, 2021, Plaintiff received an email from Kevin Clinton containing newly proposed "retroactive rules" that effectively discouraged complaining to the STATE BAR and mandated routing student complaints through "proper channels."

148. PCL DEFENDANTS devised a series of rules to punish and expel PLAINTIFF from the educational institution in retaliation for his compliance activities. .

1. New PCL Student Handbook Rules 1.1.13 & 1.1.14 were improperly created and then claimed ratified by the Community Board November 21, 2021.
2. Improper because 1.by Board composition was constructively and expressly known contested; the rules clearly support retaliatory conduct to intimidate and create "plausible" grounds for other acts against the Plaintiff to discourage further engagement or escalation with the STATE BAR or others about his unfortunate treatment.
3. This would likely "chill" any other student disagreements.

1 4. When PLAINTIFF sends note to the PCL DEFENDANTS on the same day regarding the
2 possible appearance of the rules as retaliatory, SPIRO responds.

3 5. PCL DEFENDANTS are expressly aware of GULSR 5.1 and the STATE BAR's promise, as
4 policy, to not intervene in cases of student disagreements with their institutions. This policy
5 was steadfastly maintained by STATE BAR DEFENDANTS as it related to the student, for
6 even when the student complained of abuse or criminal conduct by the school administration.
7

8 149. PLAINTIFF is informed and believes on credible report that the "proper channels" in the rules
9 language refers to the EC, at this time including PENA and SARIN and BOUFFARD. These rules
10 likely violated STATE BAR rules and laws as they facilitated the punishment of reporting
11 misconduct.
12

13 150. PCL's conduct with LEONARD and the "formal dismissal" of PLAINTIFF's initial complaint to
14 the STATE BAR by SPIRO and GONZALEZ suggests that PCL DEFENDANTS were acting to
15 "silence" PLAINTIFF and avoid accountability for shared misconduct.
16

17 151. November 24, 2021, PLAINTIFF send email to SPIRO, CHING, and the general address of
18 OGC which PLAINTIFF purposed to alert and make STATE BAR aware of the perceived problems
19 with this new policy. Here the policy threatened ad hoc discretionary expulsion by the EC for its
20 violation, i.e., failing to make complaints or inquiries through the "proper channels", including
21 inquiries or complaints to law enforcement! The offender was summarily accountable to the EC and
22 any violation was subject RETROACTIVELY to the rule.
23

24 152. The policy also appears to violate Section 16 of PCL's Bylaws governing Disciplinary
25 Procedures which requires an investigation by an Ad Hoc Committee of any conduct by an
26 individual that "endangers" or actualizes loss to PCL the entity.
27

153. On November 28, 2021, PLAINTIFF issues request for removal of GONZALEZ's derogatory letter distributed to the membership along with non-spoliation notice attached to the email to PCL DEFENDANTS SPIRO, PENA, GILLENS, GONZALEZ, DUPREE, SILBERGER, and the other PCL defendants asking the letter to be taken down from the website. The letter was issued during heightened angst and outrage over misogynistic misconduct associated with and eventually confirmed in court attached to public figures like Harvey Weinstein and Bill Cosby.

154. Classes were still held remotely at the time, with schedules, assignments, and whatever grades made available being posted in the same portal likely accessed daily by the majority of active students.

155. STATE BAR's non-interference policy and LEONARD's delayed response inform that LEONARD was following a clearly stated policy in her official capacity. The problem here is that for this to be the case it means that STATE BAR policy can allow for private institutions to take open advantage of students without any fear of regulatory accountability because the institution knows that it can do whatever it desires in wanton fashion and the STATE BAR will refuse to offer aid or protection.

156. On December 10, 2021, CHING acting in her official capacity as Assistant Director, Admissions and LEONARD's immediate supervisor sent a letter via email indicating that ULSR 4.206 (the Committee does not intervene in disputes between students and their law schools) and ULSG 1.6 (Neither the Committee nor any office of the State Bar of California will intervene in disputes between students and their law schools) "require that the State Bar refrain from involving itself in any dispute you may have with PCL. Thus, the State Bar is unable to provide you any further response."

157. LEONARD'S "change in position" after communication from GONZALEZ believed by PLAINTIFF sent in email on November 14, 2021, supports the claim of PCL's improper conduct, because LEONARD had communicated her near completion of a response to PLAINTIFF. The STATE BAR DEFENDANTS concerted action is further bolstered when CHING presents the same suspect policy statements.

158. LEONARD's disclosure of confidential information to PCL indicates that the State Bar assisted PCL in avoiding accountability for its misconduct, violating Plaintiff's constitutional rights.

159. PCL's conduct with LEONARD supports the argument that both PCL and the State Bar are accountable for violating Plaintiff's constitutional rights under the state action doctrine.

160. . "Rule 1.6 governs "student complaints".

161. The STATE BAR's intentional avoidance of procedural law and its failure to manage complaints and enforce regulations support Plaintiff's claims of breach of fiduciary duty and violation of legal rights.

162. Fall 2020 PCL accepted at least one out of state student, based on personal experience and credible report, to be a student from Arizona.

163. Rule 4.246 (F) governs the requirements for fixed facility law schools like PCL must meet prior to providing law study credit for a fixed-facility law school program or class offered more than ten miles from the site of the law school, outside California, or in multiple locations; viewed under that is a "major change" because it is INTERSTATE COMMERCE.

164. The State Bar's conduct allowed conflict of interest to occur unchecked, which failed to protect the plaintiff and the public, and prolonged harmful misconduct.

165. The State Bar's use of “appeals of authority” to obscure questions or the appearance of regulator misconduct can be seen as substantial factors in potentially violating the plaintiff's First and Fourth Amendment privileges.

166. PLAINTIFF asserts that the STATE BAR’s non-intervention policy conflicts with the intended statutory protections of the California legislature, and it exemplifies a group agreement or a coordinated mindset. Here, LEONARD, CHING, WILSON, DAVYTYAN, HOLTON, KRASILNIKOFF, SOWELL, TONEY, KRAMER, CHEN and others assert AND enforce the policy as valid while PCL and STATE BAR fail to fulfill the statutory obligations ALL DEFENDANTS are believed to knowingly assumed.

167. Plaintiff believes that public officials owe duties to the public as “public servants” even if those duties were assumed as unpaid volunteer, under employment or by appointment.

168. Plaintiff’s allegations cover a span of time and involve many defendants, but the claims do not presume that all defendants were uniformly became aware or capable at the same time.

169. Plaintiff’s allegations cover a span of time and involve many defendants. Claims made here do not presume that ALL DEFENDANTS were uniformly aware or capable of equal substantive response during this period. Plaintiff will show that ALL DEFENDANTS were adequately noticed or otherwise were aware of PLAINTIFF’s circumstance and the issues, and that even when this was achieved the parties in the aggregate “doubled-down” on additional harmful conduct or failed to comport conduct reasonably to the circumstances.

170. The STATE BAR is a regulatory agency responsible for overseeing the practice of law in California. Operating under the authority of the California Supreme Court, its responsibilities

1 include rulemaking and regulation of attorney admission, discipline, and supervision processes in the
2 state.

3 171. As per statute and credible sources, the State Bar's mission is to protect the public as its highest
4 priority, regardless of conflicts of interest, and to promote access to justice through the regulation of
5 the legal profession (BPC §6001.1). However, the plaintiff's personal experience has not aligned
6 with this information.
7

8 172. The State Bar requires students attending registered fixed-facility schools to take an exam, the
9 FYLSX, to verify adequate preparation. Pass rates for the FYLSX and the Bar Exam have been
10 notably low, with students' perceptions of their chances likely influenced by their law school grades.
11

12 173. The State Bar's use of a single test after a program requiring three additional years of study
13 creates an environment that allows schools like PCL to act in predatory ways. Students may be
14 improperly admitted and blamed for their failure, never realizing they should not have been accepted
15 in the first place.

16 174. PCL defendants, including SPIRO, SARIN, BOUFFARD, GILBERGER, DUPREE,
17 SARINANA, GILLINS, FRANCO, ZUNIGA1 POMPOSO, and TORRES, are believed to have had
18 board meetings and continued their "pattern" of operation, driving the perception of improved long-
19 term compliance when the Board itself is not.
20

21 175. The STATE BAR ACT prioritizes the protection of the public as the highest priority no matter
22 the conflict of interest per CBPC §6001.1
23

24 176. . The State Bar has a duty to exercise good faith and make use of reasonable business
25 judgment in its regulatory and administrative operations.

26 177. The State Bar has a duty to exercise good faith and make use of reasonable business judgment in
27 its operations related to students. However, the evidence suggests that the State Bar's use of a single
28

test after completing a program requiring three years of additional study may provide cover for negligent or intentional administrative failures by organizations like PCL.

178. PCL is a mandatory active market participant in the legal services marketplace, operating under the regulatory umbrella of the State Bar as a law school.

179. BPC 6060.7 mandates that the State Bar is responsible for the approval of all law study degree programs, whether registered with the State Bar or not. However, the State Bar appears unaware of and does not enforce this provision for programs at larger private institutions.

180. PCL conducted fundraising events promising that “100% of the funds would be used towards the production of attorneys”; there is no evidence ever provided to the PLAINTIFF, even after he demanded production of the documents, that a single penny went toward the promised purpose .

181. PCL is subject to mandatory fee-based regulation, including registration and annual licensing, by co-defendant and statutory regulator, THE STATE BAR OF CALIFORNIA. The State Bar of California is responsible for regulating PCL's provision of postsecondary legal education services, ensuring academic program and Juris Doctorate as a registered, non-accredited fixed facility law school.

1. Along with PCL paying mandatory registration fees to the STATE BAR, students are also required to register and pay a fee within 90 days of starting law school.
2. Plaintiff argues that the fee for purposes of registration and the ongoing maintenance of records maintained by the STATE BAR is a service contract; although there is no “negotiation”, market participation for admissions requires the payment of initial fee. In addition, given the nature of the governmental organization charging the fee, the inability for

1 students to negotiate, and the Plaintiff's "reasonable" lack of expectation that either one of
2 the Defendants would "breach" the terms under PCL's matriculation and education contract
3 or STATE BAR's collection of fees for the administration of student progress and fitness for
4 admissions. Plaintiff argues an "implied warranty" as the administration system should be
5 adequate to "uncover "foreseeable issues of clerical nonconformance to prevent students
6 from suffering from reporting errors when the available remedies for failures are difficult to
7 obtain.
8

9
10 182. Plaintiff's information regarding the mandatory duties and priorities of all STATE BAR
11 agents, employees, appointees, and trustees is sourced from the California Business and Professions
12 Code (BPC) and the STATE BAR's web portal.
13

14 183. The STATE BAR's mission, as stated on its website, is to protect the public and
15 includes licensing, regulation, and discipline of attorneys; advancing ethical and competent law
16 practice; and supporting efforts for greater access to and inclusion in the legal system. Plaintiff
17 reasonably expected the STATE BAR to uphold its mission and protect the public interest.
18

19 184. Upon learning of misconduct within the STATE BAR, Plaintiff expected public
20 officials to report the misconduct to appropriate authorities and take steps to ensure the misconduct
21 was stopped and not repeated.
22

23 185. The STATE BAR has a mandate to protect the public interest, even if it requires
24 disciplinary action against its own attorneys or employees. Directors or officers who fail to fulfill
25 this duty may be subject to legal action.
26

27 186. Prior to 2018, the STATE BAR adopted a "non-interference" policy between students
28 and their academic institutions.

187. Plaintiff has been unable to identify any source of authority granting the STATE BAR the power to define or elect individuals or groups as ex publica for policy establishment or performance of its obligations. Additionally, Plaintiff questions the authority of the STATE BAR to charge administrative fees directly to student members of the public.

188. Licensees, sworn attorneys meeting legislative or judicial criteria, are considered "Members of the Bar" and not "Members of the Public" when acting as officers of the court, as defined by statute.

189. Plaintiff's academic performance, with average grades ranging from A+ to B- in the first two years of law school, demonstrates his capability and commitment to his education. However, due to the coordinated harassment and retaliation by Defendants SPIRO, PENA, SARIN, GONZALES, and others, Plaintiff's grades suffered significantly in the final quarter of his 3L year, providing further evidence of foreseeable harm caused by the Defendants' misconduct.

The STATE BAR's adoption of a policy that conflicts with its statutory mandate and regulatory obligations to protect the public raises concerns about its compliance with 14th Amendment Equal Protection constitutional obligations. Plaintiff believes that any conduct in line with the "non-interference" policy is a willful neglect of the STATE BAR's protective duties.

Directors and officers of the California State Bar must ensure the organization operates in accordance with its mission and objectives, upholds the standards of the legal profession, and protects the public interest.

190. Public officials, when made aware of misconduct within their organization, are expected to report such misconduct to appropriate authorities, ensure it is investigated and addressed, and implement new policies or procedures to prevent similar misconduct from recurring.

1 Conduct that the public would disapprove of includes creating or supporting mechanisms that cause
2 harm to most participants, or intentionally delaying the discovery or resolution of such
3 circumstances.

4
5 191. The California State Bar, as a regulatory agency overseeing the practice of law, has a mandate
6 to protect the public interest, even if it requires disciplinary action against attorneys or employees
7 within the organization. Failure to fulfill this duty may result in legal action.

8
9
10 192. Plaintiff asserts that every instance of conduct implying a failure to act in good faith likely fails
11 to meet the “reasonable” standard expected to be applied by individuals in similar circumstance. IF
12 the conduct fails to “meet or exceed” the reasonable standard, then the conduct is likely arbitrary or
13 capricious consistent with those terms of legal art, thus serving as evidence to establish the mens rea
14 or scienter requirements attributable to the Defendants. This evidence, combined with other available
15 facts, is believed sufficient to establish a prima facie case for the violation of Plaintiff's rights.
16 Defendants' overt support for improper purposes and intentional disregard of their obligations create
17 a hostile environment that jeopardizes public protection and causes harm.

18
19 193. All Defendant schemes are substantively advanced through electronic transmission of meetings,
20 documents, or funds, often crossing state lines and involving email or cellular communication.
21 Plaintiff's knowledge of these actions comes from direct personal experience.

22
23 194. Plaintiff alleges that the named Defendants and DOES 1 through 88 were authorized or permitted
24 by each other to act as agents of one another. Actions taken by them were done in the capacity of
25 such agency or under the "color" of such agency, or as individual acts purported to be conducted.

195. Upon credible information, belief and personal experience, PLAINTIFF asserts all Defendants are directly responsible for these events and are liable to Plaintiff for the injuries inflicted and resulting injuries and damages incurred in good faith.

196. PLAINTIFF asserts that because these acts are reasonably and foreseeably likely to result in injury to similarly situated students and those demonstrably vulnerable with extreme barriers to pursuing legal remedy because most students in similar 1L circumstance do not pass the FYLSX and thus cannot continue in PCL's or ANY law schools Juris Doctorate program for purposes of bar admission and licensure.

197. PCL focuses recruitment on students from non-traditional academic backgrounds and pre-identified communities suffering from intractably limited access to legal services, which PLAINTIFF believes is an intentional tactic to avoid possible negative attention often drawn by lawsuits by selecting victims, for each student was destined to receive unfair unit awards, less likely to desire or "have the stomach" for a long and arduous legal fight.

198. On April 8, 2022, at 8:30 a.m. SPIRO appears in front of the Honorable Dean J. Kitchens for case 22AVRO00363, at hearing in Department A-10 of the Superior Court appearing as counsel for himself and PENA, who is present as well.

199. PCL, the Corporation although properly served fails to appear; strangely SPIRO has indicated he represents the corporation as counsel as well.

200. The Court found that it was “not the appropriate forum for what Petitioner is seeking” and ordered the case “dismissed without prejudice”.

201. Plaintiff upon credible information believes that California does not recognize “forum non conveniens” nor does it allow case dismissals solely for failure to satisfy the local rule.

202. SPIRO requests attorney’s fees and filing costs in the amount of \$27,000; he is granted. To be paid directly to him, \$5,435.00.

193. On June 8, 2022, SPIRO sends letter to lawschoolregulation@calbar.ca.gov on his professional letterhead in his capacity as PCL’s counsel. In that letter SPIRO states that PCL was “more than 90% in compliance” with the mandatory recommendations in the State Bar inspection reports.

194. SPIRO specifically states that PCL was complaint with Guideline 2.2(B), governing refunds in certain contexts, because it “had revised the policy accordingly.” A copy of the letter is available on the State Bar’s website here:
(<https://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000029268.pdf>) .

195. June 17, 2022, STATE BAR DEFENDANTS including LEONARD, KRAMER, CHEN, and others review in recorded meeting during the “Educational Standards” agenda item “Attachment O-406. Action on Progress Report Related to Periodic Inspection and Notice of Noncompliance - Peoples College of Law”, a copy of which is available on the STATE BAR’S web site here: (<https://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000029315.pdf>)

196. On June 21, 2022, the STATE BAR acknowledged in a published letter that they were aware of the programs' "non-compliance" and could have issued notice effective 2020.

197. On March 24, 2022, between 6:00 pm and 7:00 pm, DEFENDANT SARIN sent an email to BOUFFARD and PEÑA in response to PLAINTIFF's earlier email requesting transcripts.

198. On March 24, 2022, at 12:32 pm, PLAINTIFF sent an email to BOUFFARD and PEÑA in response to an earlier email requesting transcript.

199. On March 25, 2022, at 12:32 pm, SPIRO, acting as outside counsel for PCL, sent an email response to PLAINTIFF's earlier email requesting transcripts.

200. On June 2, 2022, SPIRO, as counsel for PCL, sent an email to ALL PCL DEFENDANTS, excluding GONZALEZ, requesting that PLAINTIFF direct all communications related to this matter to him, implying the group's united front.

201. On July 8, 2022, PCL Defendants, through SPIRO and operators of Enterprise P, sent notice to Plaintiff of their intent not to provide classes or curriculum for PLAINTIFF's 4L year.

202. On July 9, 2022, agents and operators of Enterprise P, believed to be SPIRO, PEÑA, and ZUNIGA1, placed the notice in the USPS bailment for certified mail delivery to Plaintiff (id 7022 0410 0002 9113 6086).

203. PCL failed to submit accurate records timely to the STATE BAR on Plaintiff's behalf which they relied upon to make determinations about the PLAINTIFF and his academic status when they were the sole available source of transcript information.

204. In early August 2022, without accurate transcripts or viable transfer options, PLAINTIFF requested PCL to apply for a "Special Circumstance Exemption" under GULSR Section 5.6, allowing a maximum of 10% of 4L students to be exempted for "unusual circumstances." PEÑA sent the letter on August 9, 2022, via email.

a) The guideline rules inform that applications are processed by the "Educational Standards Department in the Office of Admissions."

- 41 -

SUPPLEMENTAL FIRST AMENDED COMPLAINT FOR DAMAGES, DECLARATORY & INJUNCTIVE RELIEF

b) August 5, 2022, PLAINTIFF receives coverage denial letter from ANV related to PCL's D&O insurance, a true and accurate copy, previously marked as EXHIBIT DNO-1 ANV can be located lodged on the Court's web site here: (<https://ecf.cacd.uscourts.gov/doc1/031139584650>)

205. On September 1, 2022, LEONARD sent an email with an attached letter denying the request, believed to be produced by HOPE under the direction of LEONARD, CHING, and NUNEZ, pending discovery. The denial indicated that PLAINTIFF could "use the attached form **to submit another Proposed Plan of Law Study** which complies with the Admission Rules for our review. **The additional one year of law study must be completed in a Juris Doctor degree program recognized by the Committee. You must also clearly indicate the beginning and ending dates, including month, day, and year for each year of study, and the total number of hours/credits of study for each course.**"

206. Here, PLAINTIFF believes based on personal experience and credible report that LEONARD, HOPE, and admissions staff, including MCFARLAND and WONG along with LEONARD's direct chain of supervisors, including CHING, NUNEZ, and WILSON either took no action or supported the continued misconduct. Expected oversight and intervention from the OGC, including HOLTON, DAVYTYAN, GRANDT was not apparent.

207. September 1, 2022, SPIRO sends email to PLAINTIFF with the subject "start right now contacting other law schools even though you might have done so earlier this year", further stating, "in view of the State Bar's letter..." it continues, "you should start right now contacting other law schools... to see if you can enroll in them for the 2022-2023 academic year."

208. September 1, 2022, PLAINTIFF sends to WILSON, CHING, LEONARD, HOM, SPIRO, PENA, and others an email as Notice of Violation, including separate attached non spoliation request

entitled “thillevidpresltr09012022.pdf” an accompanying legal justification document and a copy of his transcripts dated August 29, 2022. A copy of the email is available on the Courts website as Document 17 here (<https://ecf.cacd.uscourts.gov/doc1/031139584971>) .

209. The last lines of the letter terminate “Please understand, the initial issue that gave rise to this could have very easily been resolved by the parties. Instead, they were wrong, they knew they were wrong, and they consistently doubled-down on unlawful conduct for a protracted (>4 years) period of time. Please provide confirmation of compliance with the preservation request at your convenience but no later than 9/9/2022, as time is known to be of the essence by all parties.” The STATE BAR never confirms compliance with the preservation request.

210. Over 300 days had passed without any denials or curative conduct from any of the DEFENDANTS related to PLAINTIFF’s notices and requests for assistance.

211. Plaintiff also notes the many Executive JD or non-licensure programs in the field that require 2 or 3 years of study.

212. STATE BAR conduct played a role in PLAINTIFF’s dire circumstance, yet the defendants attempt to avoid sensible recusal or conflict management, leaving PLAINTIFF to rely on the “good faith and fair dealing” of those they knew or should have known were compromised.

213. PLAINTIFF communicates with HOPE in the interim, who is believed to perform this review under LEONARD’s explicit authority. HOPE states she cannot assist and refers PLAINTIFF back to LEONARD.

214. September 3, 2022, SPIRO sends email with the subject “tuition agreement” as solicitation for PLAINTIFF’s execution and return of a payment agreement for his 4L year. PENA and ZUNIGA1

are carbon copied. It is clear PLAINTIFF is out of time with nowhere to go. Attached is an additional copy of a “new” Student Handbook”.

215. September 15, 2022, SPIRO began an email exchange to PLAINTIFF with cc: to PEÑA, ZUNIGA1 and LEONARD explaining that if he gave “consent, PCL is permitted right now to change your status in your previous Property and Remedies courses from credit to audit, which would enable you this academic year to take those same two courses for credit.”
- a) Plaintiff is informed and believes upon credible evidence that this to be in direct violation of STATE BAR guidelines, that expressly prohibit taking courses for credit twice.
 - b) Plaintiff believes this is evidence of conspiracy, in that the “offer” was presented uniformly and in concert.
 - c) PLAINTIFF believed this was an inappropriate solicitation because the rules for law schools seem to preclude encouraging misrepresentation or falsifying records and repudiated.
 - d) Plaintiff believes this reflects the intent to create or alter records or misrepresentation by SPIRO and LEONARD because both are acting in their “official capacity”, i.e., LEONARD as Principal Analyst left responsible for compliance oversight of PCL and SPIRO presumably as pro bono counsel.

216. September 26, 2022, PLAINTIFF issues request for antitrust determination via email to DAVYTYAN, WILSON, and others. The process and considerations for making such determination have been predetermined for STATE BAR in an administrative order dated September 20, 2017, prior marked as EXHIBIT AO-1, and identified as Document #13 on the docket. A true and correct copy of the document can be found on the Court’s web site: (<https://ecf.cacd.uscourts.gov/doc1/031139584790>).

217. October 18, 2022, PLAINTIFF sends email to HOPE with carbon copy to SPIRO, ZUNIGA1, PENA, FRANCO, GILLINS, CHING, LEONARD, requesting her outreach to the school that a proposed plan, where PLAINTIFF paid a fee to BARBRI and that curriculum successfully undertaken under PCL's supervision would satisfy the STATE BAR's claimed outstanding requirements for degree grant. SPIRO responded in an email of the same date that was sent at 4:37 p.m. asking "Nathalie" to clarify "what obligations and expenses there would be" for PCL.

218. November 7, 2022, PLAINTIFF sends email to SPIRO with carbon copy including HOPE, ZUNIGA1, PENA, FRANCO, GILLINS, CHING, LEONARD, SARINANA, WILSON, GONZALEZ and the OGC requesting status on the administrative oversight of the BARBRI course.

219. SPIRO responds November 8, 2022, denying that "the Bar requires submission of a proposed plan" from the school and citing the prior plan I submitted ; given the clear administrative context, that a law school would be required to supervise the student's participation because BARBRI is not registered as a law school and PCL was, by the design of the DEFENDANTS, the only "reasonably" available institution.

220. November 17, 2022, at 10:39 am, PLAINTIFF submits via Zoom to the STATE BAR Audit Committee meeting, chaired by SHELBY and attended by TONEY, DAVYTYAN, WILSON, BROUGHTON, CISNEROS, KNOLL, CHEN, SHELBY, SOWELL and staff member Justin Ewert. Plaintiff believes based on credible report and experience that other, currently unknown, STATE BAR staff or appointees were present as well, and seeks leave for further discovery. PLAINTIFF used the allotted time to inform the Board of Trustees of the likely issues with STATE BAR policy related to audits and the records-selection process used by the STATE BAR that is believed to facilitate misconduct or its concealment in a manner that raises antitrust and transparency concerns.

A true and accurate copy of the relevant meeting video can be found here, published by the STATE

1 BAR for purposes of compliance with the Brown Act on YouTube's web site here:

2 <https://youtu.be/ON4tx5ODdGA?t=234>.

3 221. November 17, 2022, at 12:49 am, PLAINTIFF submits public comment via Zoom at the STATE
4 BAR Board of Trustees meeting where AYREPETYAN, HERNANDEZ, TONEY, DAVYTYAN,
5 DURAN, WILSON, BROUGHTON, CISNEROS, KNOLL, CHEN, SHELBY, SOWELL and
6 currently unknown STATE BAR staff members. PLAINTIFF uses the allotted time to inform the
7 Board of Trustees of the likely issues with PCL and how STATE BAR policy is believed to facilitate
8 the misconduct in a manner that raises antitrust concerns in the entire marketplace. A true and
9 accurate copy of the relevant meeting section can be found here, published by the STATE BAR for
10 purposes of compliance with the Brown Act on YouTube's web site here:
11

12 https://youtu.be/dcBeUhm_f8Y?t=1967.

14 222. December 21, 2022, at 8:30 am, PLAINTIFF sends email with the subject line of "Public
15 Comment; Notice of Violation and Imminent Filing; Request for Antitrust Determination;
16 Supporting Documents" to DAVYTYAN, DURAN, WILSON, HOLTON, LEONARD,
17 RANDOLPH, HERSHKOWITZ, CARDONA, HOM, MAZER, CRAWFORD, XIANG, HOPE,
18 CHING, and the general emails of the OGC, OCTC, CPO, CFO, CAO, KNOWELS, HERMAN,
19 KRAMER, CARDONA, STALLINGS, CISNEROS, SHELBY, TONEY, AYRAPETYAN, CHEN
20 and other DEFENDANTS as well as the designated email for antitrust inquiries, including State Bar
21 employees Teresa Ruano and Joy Nunley. Attached to the email are the following documents: a
22 "Request for Antitrust Determination" accompanied by "corroborating" documents identified as: (1.)
23 DRAFT PLEADER 12212022; (2.) A copy of the preservation letter was noticed and sent to both
24 PCL and STATE BAR; assurances have been requested from both parties to no avail.; (3.) A copy of
25 the legal basis and justification for such letters, as the duty to preserve evidence was fairly believed
26

27 - 46 -

28 SUPPLEMENTAL FIRST AMENDED COMPLAINT FOR DAMAGES, DECLARATORY & INJUNCTIVE RELIEF

by the plaintiff to attach when the unlawful act was committed but definitively when it was known likely to end up going through litigation. (4.) Timeline of events (5.) Election Timeline (6.) Nancy Popp's, draft Election Committee Report presenting evidence of conspiracy; (7.) Various email chains PLAINTIFF asserted demonstrative of wanton and clearly culpable conduct, with awareness and knowledge of misconduct for over a year at the "highest levels" of the organization; (8.) A statement of determination and a D7O insurance denial of claim provided to support Plaintiff's status as officer of the Corporation and unlawful ouster.; (9.) A document entitled "Opposition #1", submitted by SPIRO and PENA on behalf of PCL to the court that included erroneous information to the court that the relevant PCL Defendants failed to correct when timely noticed.

223. December 21, 2022, at 10:30 am, PLAINTIFF sends a duplicate email with the same subject line of "Public Comment; Notice of Violation and Imminent Filing; Request for Antitrust Determination; Supporting Documents" to SPIRO, DURAN, HOPE, CHING, and the OGC's designated email for antitrust inquiries, again including State Bar employees Teresa Ruano and Joy Nunley as well as the earlier attachments.

224. December 22, 2022 at 8:56 am, AYRAPETYAN confirms receipt and plans to share "the attachments and email" with the Board of Trustees after completing Day 2 of the meeting.

225. On January 20, 2023, RANDOLPH, in her capacity as secretary for the Office of General Counsel, sent the first unsigned antitrust determination to plaintiff with OGC masthead, dated January 20, 2022 and identified as "ANTITRUST DETERMINATION 2023-0001" from unsigned author.

226. On January 24, 2023, SOWELL, SHELBY, WILSON, CHEN, DAVYTYAN, and AYRAPETYAN attended a recorded "Ad Hoc Committee Meeting" via Zoom with PLAINTIFF in

attendance. SOWELL appears clearly familiar with PLAINTIFF's issues, announcing shortly before PLAINTIFF's speaks something akin to "Ok, Mr. Hill, You know the drill!" in affable tone.

227. February 3, 2023 PLAINTIFF sends request to AYRAPETYAN and SOWELL, including the general OGC email and DAVYTYAN's individual, with a request for the meeting minutes of that occurred the prior January 24th, 2023, as they were not placed online for review.

228. On February 4, 2023, PLAINTIFF sent an email subject "NOV - Ongoing violations of CBPC 17200 and 17500" to DURAN, NUNEZ, WILSON, BROUGHTON, TONEY, SHELBY, CHEN and MAZER; the addresses for the CTC and Admissions were also included. This "NOV" was one of several sent in attempt to resolve these issues. The notice informed the parties PLAINTIFF's theories related to his injuries, why he reasonably believed the issues were valid and likely Constitutional and attempted to give examples of a few of the inherent issues in the essentially "separate but equal" operation of the law school market.

229. On February 8, 2023, KRASILNIKOFF in her capacity as counsel, with RANDOLPH, sent a second noncompliant response to the antitrust determination request, despite being expressly aware of her professional and fiduciary duties. The document is asserted as noncompliant because the OGC did not follow proper procedures to affect its production or its contents misrepresent the facts.

230. Plaintiff learned on credible report that on February 13, 2023, unidentified STATE BAR staff believed to be LEONARD and CHING and possibly others, met with unknown PCL DEFENDANTS, believed SPIRO, POMPOSO, and PENA to discuss compliance and ongoing issues.

231. On March 22, 2023 POMPOSO sends to LEONARD, PENA and others a response to outstanding CBE questions, a copy of of which can be found on the STATE Bar website here: <https://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000030537.pdf>.

a) The 3rd page of the document lists an item identified as ”7. The State Bar provided the citation of authority for fee assessment.”, continuing to state in paragraph infra, “In addition to ensuring the creating of a 4L program for all students, a key purpose of the meeting was to provide the law school with an opportunity to demonstrate its compliance status with Rule 4.241 in a clear and transparent manner, and to ensure that the law school provides refunds to all students for whom it does not return a copy of a signed and complete disclosure. The law school asked for a request in writing, set forth here, and advised that this week the law school is preparing for finals.”

b) Plaintiff here asserts that ALL PCL DEFENDANTS were expressly and constructively on notice, as were LEONARD, CHING, NUNEZ, WILSON, MCFARLAND, WONG, DURAN, SOWELL, KRAMER, and SHELBY.

232. On or around March 24, 2023, STATE BAR DEFENDANTS released a probationary progress report penned to CBE members by LEONARD.

233. As of May 4, 2023, PLAINTIFF still awaits complete and accurate transcripts; an accounting; disgorgement and return of funds; issuance of his degree or the fulfillment of other obligations.

FIRST CAUSE OF ACTION

BREACH OF CONTRACT

(SPIRO, GONZALEZ, POMPOSO, TORRES, SARINANA, BOUFFARD)

234. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 233.

235. Here, PCL DEFENDANTS refers to those named and appearing immediately below the cause caption.

236. That PLAINTIFF and PCL DEFENDANTS entered into a contract FOR LEGAL EDUCATION SERVICES August 2019 for a four year program contingent in part upon PLAINTIFF's passage for the First Year Law School Exam;

237. That PLAINTIFF substantially or fully performed the contract requirements, including attending classes, completing assignments, performance of service hours, and paying tuition.

238. SPIRO and PENA and BOUFFARD, and SARINANA, and TORRES and GONZALES as officers and directors had a duty to comport there conduct to the standards required by the implied covenant of "good faith and fair dealing."

239. TORRES, SARINANA, and POMPOSO were all Deans that failed to timely correct, intervene or offer any relevant services or response to PLAINTIFF's outreach and requests for aid when all were constructively and expressly aware of PLAINTIFF's circumstance and their duties.

240. BOUFFARD promised to perform an accounting and return funds collected improperly. He failed to do so.

241. SPIRO, BOUFFARD, and PENA reneged and made PLAINTIFF repay wages lawfully earned.

242. That PCL DEFENDANTS failed in:

- a) making proper and timely mandatory disclosures to PLAINTIFF during academic years 2019, 2020, and 2021, as well as at the time of matriculation contract signing and each year of attendance.
- b) maintaining accurate records and providing timely access to students; c. submitting accurate records timely to the STATE BAR on Plaintiff's behalf.
- c) failed to exercise good business judgment or the appropriate duty of care.
- d) providing PLAINTIFF with access to board meeting minutes, zoom recordings by former President GONZALEZ, and the accounting and books held by PENA and BOUFFARD as Treasurer.
- e) producing records in response to a formal demand for documents.

243. That PCL DEFENDANTS:

- a) engaged in violations of fair business and debt collection practices through deceit, misrepresentation, or negligence in documenting, facilitating, and collecting property, including charitable solicitations.
- b) Planned and acted in concert to retaliate against PLAINTIFF by the above and as exemplar created new PCL Student Handbook Rules 1.1.13 & 1.1.14 in November 2021;
- c) continuing to hold meetings and act as a Board in protracted conflict with the Bylaws;
- d) PCL DEFENDANTS planned to repudiate and in fact did fail to comply with the obligation, believed based on the plain language of STATE BAR rules, to provide the student with "4 years" of education consisting of a minimum of "270 hours" each year.

e) STATE BAR DEFENDANTS, including WILSON, DURAN, SOWELL, TONEY, STALLINGS, LEONARD, CHING, HOLTON, DAVYTYAN, CARDONA,

244. That PLAINTIFF was harmed, such as:

- a) facing obstacles in obtaining an accurate transcript from PCL timely.
- b) suffering retaliation, intimidation, and suppression.
- c) being unable to access the necessary documents for his case.

245. That PCL DEFENDANTS' breach of contract was a substantial factor in causing PLAINTIFF's harm, such as: a. hindering his engagement with the STATE BAR or others regarding PCL's non-compliance; b. negatively impacting his academic status due to PCL DEFENDANTS' failure to submit accurate records timely to the STATE BAR.

246. Plaintiff believes it is likely demonstrated why he reasonably believes that the Defendants breached their duties to the Plaintiff in his capacity as a student and in his capacity as Secretary of the Corporation.

247. The DEFENDANTS breached the fiduciary duties of loyalty they had with the PLAINTIFF for educational services by failing to provide the quality of education or administrative oversight they promised when they assumed their roles. The plaintiff was recruited by defendants SPIRO and PENA, who signed a contract in their official capacity to enroll the Plaintiff in their law school programs subject to regulatory oversight by the State Bar promising compliance or "good faith" efforts at maintaining compliance. Here, the plaintiff paid for this education with the expectation that it would be of a certain quality and value. Yet the defendants failed to provide adequate instruction, resources, and support, and then failed to act

1 or intervene when made expressly aware of their duties and that the conduct being engaged in
2 flouted the rules applicable to the regulation of unaccredited fixed facility law schools.

3
4 248. The defendants acting in individual and concerted fashion as the “Board”, when Plaintiff
5 presented demands for the production of documents for inspection to any Board Member as a
6 matter of law, failed to provide them.

7
8 249. That PCL DEFENDANTS' failure to provide the requested documents violated the
9 Plaintiff's rights as a student and as a member of the Corporation, impeding his ability to
10 address concerns related to the quality of education, administrative oversight, and regulatory
11 compliance at the institution.

12
13 250. The PCL DEFENDANTS, by breaching their fiduciary duties and failing to provide the
14 expected quality of education and support, caused the PLAINTIFF to suffer both financial and
15 emotional harm, as well as to experience a loss of opportunity and potential damage to his
16 future professional prospects.

17
18 251. That the PLAINTIFF, by demonstrating the numerous ways in which the DEFENDANTS
19 breached their duties and obligations towards him, has provided a reasonable basis for believing
20 that the DEFENDANTS are liable for the harms caused to him as a result of their actions and
21 inactions.

22
23 252. That the PLAINTIFF requests the Court to hold the PCL DEFENDANTS accountable for
24 their breaches of duty and failures, in order to ensure that future students are not similarly
25 harmed and to promote transparency, accountability, and compliance with applicable
26 regulations and standards in the field of legal education. When Defendants were informed,
27

expressly of the issues related to the management of elections, they chose to maintain “ultra vires” circumstance and made additional “ultra vires” policies.

253. The Defendants failed to exercise duties of due care by failing to properly adhere to the mandates of the Bylaws;

254. The Defendants failed to exercise duties of due care in addressing compliance issues, including the adequate recordkeeping and provision of notice.

255. The Defendants breached the duty of loyalty because when provided with the opportunity to cure without likely negative consequence, they intentionally failed to do so and retaliated against students and the stated mission of the Bylaws.

256. The defendants engaged in a pattern of conduct, including failure to properly apply, use, and enforce administrative procedures, and conspired to engage in illegal racketeering activities, including arbitrary and exclusionary policy enforcement to the detriment of a specific targeted market or speech and the plaintiff. These activities breach the contract for educational services, as the defendants willfully failed to provide an environment that was conducive to learning and the advancement of the plaintiff's legal education.

257. As a result of the defendants' breach of contract, the plaintiff suffered financial harm with long term consequences, deprivation of fundamental business and student protections, and other injuries. The plaintiff seeks declaratory, injunctive, and monetary relief from the defendants for their breach of duty and failure to act in the “good faith” required.

258. That the PLAINTIFF seeks relief for the damages suffered as a result of the DEFENDANTS' breach of fiduciary duties, failure to provide the quality of education and

support promised, and their refusal to provide necessary documentation for the PLAINTIFF to pursue his claims.

259. That the PLAINTIFF requests the Court to grant appropriate remedies to redress the harms suffered, including but not limited to, compensatory damages, injunctive relief requiring the DEFENDANTS to provide the necessary documentation, and any other relief the Court deems just and proper.

SECOND CAUSE OF ACTION

COMMON LAW BREACH OF FIDUCIARY DUTY

(KRAMER, STALLINGS, DURAN, WILSON, CHEN, CISNEROS, HOM, HOLMES,
GRANDT, WONG, SHELBY, TONEY, HERMAN, KNOWLES, HERSHKOWITZ)

260. Plaintiff re-alleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 259.

261. Here, STATE BAR DEFENDANTS refers to those named and appearing immediately below the cause caption.

262. This action alleges negligence, fraud, or corruption in violation of a general duty, affirmative duty, statutory duty, special duty to protect, and/or mandatory duty that has caused or was a reasonably foreseeable substantial factor in Plaintiff's severe injury and CTCA Claim, and the operation of a knowingly dangerous premises by State Bar which causes an unacceptable, unreasonable, sufficiently noticed risk of severe injury to members of public.

263. Plaintiff will seek summary judgment for violations of mandatory duties and negligence based on the allegedly clear and convincing evidence from California Auditor for all times relevant: <https://www.bsa.ca.gov/reports/agency/8>, for which Plaintiff will seek judicial notice.

264. Here, Plaintiff will demonstrate that STATE BAR, its directors, officers, employees, and licensees, and appointees after the 2018 divestment of trade association functions and adoption of its clear primary role as law school regulator knew or should have known students, who are members of the public and put at heightened risk by non-interference policies promulgated and enforced by the STATE BAR.

265. Here, STATE BAR employees and appointees repeatedly violated their respective duties to protect or act reasonably, a likely violation of both public trust and CBPC 6001.1.

266. Examples here include the December 2, 2022 CSBAR's meeting where STATE BAR's LEONARD re-iterated to the public the longstanding (in excess of 2 years by the admission) express and constructive knowledge of PCL's operators failure to maintain compliance, reiterated in the "progress report" discussed by LEONARD with defendants KRAMER, WILSON, HERSHKOWITZ, and CHEN.

267. Additionally, the conduct appears to conflict with the California Rules of Professional Conduct's ("CRPC") conformance mandate, BPC § 6077.

268. The Americans with Disabilities Act ("ADA") states that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

269. Generally, to comply with public entities must reasonably modify their policies, procedures or practices when necessary to avoid discrimination unless the entity demonstrates that the requested modifications “fundamentally alter” its service system.

270. The STATE BAR, its agents and appointees had a duty of reasonable care in the conduction of their operations and to follow the law.

271. The STATE BAR as the monopoly regulator operates a “segregated” law school market because it allows large market participants like UCLA to categorically deny application of “tested” students attending other recognized law schools the opportunity to transfer. In essence, students cannot transfer from California’s non-ABA private law schools to “public” postsecondary institutions.

272. UCLA produces a standard 509 report detailing the basic costs and demographics of its JD program. Last year’s report, entitled “ABA_Standard_509_Report_2022_updated.pdf” can be found at UCLA’s web site at:

https://law.ucla.edu/sites/default/files/PDFs/Admissions/ABA_Standard_509_Report_2022_updated.pdf

a) The report demonstrates that UCLA only accepted transfers from ABA schools in the 2022 academic year, including a total of 8 students from California ABA-accredited schools.

b) This is consistent with its policy prohibiting application from “only” State-accredited or registered fixed-facility schools.

273. Plaintiff is informed and believes and thereon alleges that Defendants violated Business and Professions Code section 17500 by:

a. failing disseminating, or causing to be disseminated, to the public, untrue and/ or

misleading statements, including the statements set forth above, regarding the quality standard or compliance of services offered by PCL and statements connected with PCL's fundraising and operating costs, statements which Defendants and each of them knew, or reasonably should have known, were untrue or misleading at the time the statements were made;

b. misrepresentation of matters of law or the obligations of PLAINTIFF and students which Defendants and each of them knew, or reasonably should have known, were untrue or misleading at the time the statements were made;

c. representations to PLAINTIFF, students and the public that PCL offered a compliant education or failing to notice when Defendants and each of them knew, or reasonably should have known, were untrue or misleading at the time the statements were made.

274. STATE BAR DEFENDANTS conduct resulted in the deprivation fundamental student protections, inclusive of “due process”, that students have a right to expect of a regulator, one whose rhetoric expressly promises “careful” performance of its public protection role and was a substantial factor in causing PLAINTIFF’s injuries.

275. STATE BAR representations to fixed facility schools, promulgated through its rulemaking authority, made it clear that the “system” was rigged against the individual student. Here, LEONARD, WILSON, CHING, HOLTON, and others restated the policies to PLAINTIFF even as they were aware he was being harassed and PCL had repudiated its obligations.

276. STATE BAR DEFENDANTS conduct resulted in various breaches of core principles of “good faith” in contracting, fiduciary relationships as a Board Member and Officer, and

1 numerous violations of rule or law around business practices and the submission of official
2 records improperly created and filed with State agencies.

3 277. For the reasons stated, STATE BAR DEFENDANTS conduct appears to demonstrate a
4 longstanding pattern of abrogative dereliction of public duty.
5

6
7 **THIRD CAUSE OF ACTION**
8

9 **BREACH OF FIDUCIARY DUTY RELATED TO**

10 **VIOLATION OF FEDERAL AND STATE ADMINISTRATIVE LAW**

11 **AND BUSINESS PRACTICES**

12 **(WILSON, NUNEZ, CHING, LEONARD)**
13
14

15
16
17 278. Plaintiff realleges and incorporates by reference each and every allegation contained in
18 Paragraphs 1 through 277.

19
20 279. The California STATE BAR has violated federal and state administrative law and business
21 practices by implementing underground rules, and consistently failing to follow mandated
22 administrative procedures to establish “due process” compliance under the APA and CAPA or
23 other statutes for student-related regulatory issues. STATE BAR’s failure to adopt or
24 appropriately reconcile the Federal Unit Hours as defined in the Higher Education Act and the
25 states own Private Postsecondary Education Act is not simply a singular example in this context
26 due to the number of individuals impacted and the duration of the misconduct.
27

280. PLAINTIFF contends that the process used for determination of his exception request under law school Rule 5.6 not only bolsters but demonstrates the STATE BAR defendants' failure to follow appropriate procedures, as it is an "unusual" circumstance and HOPE's referral back to LEONARD for resolution infers a "unified" approach, at least for her "on notice" direct management, including CHING, NUNEZ, WILSON, and DURAN. The process used to make the determination is unclear, and as a student, PLAINTIFF deserved protection and had not waived that expectation. In addition, LEONARD had not recused herself nor been directed to recuse given clear allegations had been made.

281. Plaintiff asserts that this failure to notice, given STATE BAR's non-interference policy, was a foreseeable cause of Plaintiff's harm, as the policy so stated allows schools to operate with "carte blanche", laissez faire, or wanton behavior because the "bad actor" has been told in advance that no matter the issue, a student will not receive assistance.

282. This likely represents a breach in the duty of due or reasonable care, as the regulator would not ordinarily inform the regulated that it can act wantonly in areas of regulation without concern of reprisal.

283. The State Bar operates to unfairly restrict law school transfers, restraining public liberty and trade while sustaining increased costs and risks to the Federal Government for legal education. The State Bar's exclusionary rule gives public institutions permission to exclude state citizens and taxpayers based on origin without any demonstration of their basis or authority to permit any institutions adoption of such restraint. It seems a truly unfair burden for any consumer, and to reconcile . Moreover, the State Bar administers a test to students in this category as an objective assessment and measure of student fitness, which is unlawful and discriminatory.

284. This exclusionary rule as substantive to PLAINTIFF's harm is admitted difficult to ascertain given the speculative nature of valuating the proximately impossible; but the condition of the marketplace falls under the statutory authority of a monopoly STATE BAR, and from that and procedural failures arises a negligence cause.

285. The State Bar's failure to adhere to federal and state administrative procedure acts, inadequate constitutional review of statutes, rules, or procedures, and implementation and enforcement of underground rules and procedures reveal a pattern of systemic dysfunction that undermines the organization's legitimacy. These violations of California Business and Professions Code sections § 17200 and § 17500 demonstrate a profound disregard for the rule of law and warrant further investigation to determine the full extent of the State Bar's unlawful, unfair, or fraudulent business practices.

286. The State Bar's failure to adhere to federal and state administrative procedure acts, inadequate constitutional review of statutes, rules, or procedures, and implementation and enforcement of underground rules and procedures reveal a pattern of systemic dysfunction that undermines the organization's legitimacy. These violations of California Business and Professions Code sections § 17200 and § 17500 demonstrate a profound disregard for the rule of law and warrant further investigation to determine the full extent of the State Bar's unlawful, unfair, or fraudulent business practices.

287. Here events like RANDOLPH's send of a nonconforming or noncompliant documents to PLAINTIFF on January 21, 2023, despite being constructively aware of her professional and fiduciary duties. The document is asserted as noncompliant because the OGC did not follow proper procedure, or the contents misrepresent the facts.

288. The State Bar's negligence in regulating unaccredited fixed facility law schools and the numerous allegations of unethical practices, including unfair collection practices, extortion, conversion, harassment, defamation, interference with business relationships, and conspiracy to deprive Plaintiff of constitutional First Amendment privilege and Fourth Amendment protections, constitute an alarming failure of oversight. This failure not only violates California Business and Professions Code sections § 17200 and § 17500 but also erodes public trust in the State Bar and the legal profession as a whole.

289. **Constitutional Challenge:** The State Bar Act's mandatory membership provision is unconscionable and unenforceable due to the organization's unfair practices under the color of law and the detrimental and permanent harm suffered by the Plaintiff. The government's insistence on compelling association in these circumstances fails to meet the standards of scrutiny required to justify the infringement of the Plaintiff's constitutional rights.

a) Alternatively, the mandatory membership provision of the State Bar Act should be considered unconstitutional as the reasonable person in the Plaintiff's circumstance would not willingly join an organization marred by such widespread misconduct. Given the State Bar's tarnished reputation and failure to address its internal issues, the requirement for mandatory membership constitutes an unfair infringement upon the Plaintiff's First Amendment and other constitutional rights.

290. The State Bar's failure to follow established procedures and other misconduct also breaches their statutorily assigned and sworn duties under California Code, Business and Professions Code (BPC) § 6068 (a), (b), (c), (d), (f), (g) (a), (b). The State Bar and PCL licensee or member Defendants failed to support the Constitution and the Rule of Law, to respect the courts of

justice and judicial officers, to maintain actions, proceedings, or defenses that are legal or just, candor and truth in statements of law or legal proceedings, to advance no fact prejudicial to the honor or reputation of a party for unjust cause, not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest, to never reject, for any consideration personal to himself or herself, the cause of the defenseless or the oppressed, and to cooperate with the tribunal.

291. As a result of the State Bar's violations, Plaintiff has suffered damages in the form of financial harm, deprivation of fundamental student protections, and other injuries. Thus, Plaintiff seeks declaratory, injunctive, and monetary relief from Defendants for their violations of federal and state administrative law and business practices.

FOURTH CAUSE OF ACTION

BREACH OF FIDUCIARY DUTY RELATED TO SOLICITATIONS IN VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17510.8

(SPIRO, PENA, GONZALEZ, DUPREE, SILBERGER)

292. Plaintiff re-alleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 291.

293. Defendants have a fiduciary relationship with students because they solicit:

- a) fees for administrative or legal education services. This fiduciary relationship is established by statute, common law, and agreement.
- b) ALL DEFENDANTS voluntarily participate in a regulated marketplace.

294. PCL solicited and received tuition and other services from a targeted subset of the public. The acceptance of these fees established a charitable trust and a fiduciary duty on the part of the Defendants to ensure that the tuition was used for the purposes stated during the solicitation under an implied promise that the services offered would meet the standards set for professional licensure.

295. PCL also made promises and received charitable donations but has failed to provide PLAINTIFF with an accounting to audit, even when presented lawful demand for documents.

296. PCL actively applies for and regularly receives grant awards, but to PLAINTIFF's direct knowledge and personal experience as an officer of the corporation, no accounting was ever produced, even after demand.

297. Plaintiff is informed and believes and alleges that Defendants breached their duty by failing to inform students of the intended use or purpose or failure as to ensure that tuition paid and collected by PCL were used for the purposes for which they were solicited. Students were told in advertisements, on the PCL website, or orally that their tuition would was required in exchange for the delivery of a compliant education using the appropriate administrative procedures and application of policy.

298. Plaintiff is informed and believes and thereon alleges that only a nominal amount of the funds collected as student tuition were used for the stated purpose by PCL DEFENDANTS. Instead, nearly all the funds solicited were used to pay fundraising or other "operating expenses" or benefiting others.

299. DEFENDANTS misled the PLAINTIFF and students to believe that they were in fact receiving

the regulatory value and assurance accompanied by proper records administration of the institution performed by its vertical regulator, the STATE BAR.

300. When STATE BAR DEFENDANTS were expressly informed of failures to properly review, correct, or act in accordance with duty, they failed to follow law or policy or rules of professional responsibility and used email and other forms of electronic communication to spread disinformation related to matters of law, their duties or conduct.

301. DEFENDANTS retaliated or failed to timely intervene on behalf of students and the PLAINTIFF. When PLAINTIFF requested assistance or fair resolution, the requests were denied.

302. DEFENDANTS solicited PLAINTIFF to “lie” to validate their own improper conduct for “official” administrative purposes, as the conduct of September 26, 2022 and the email exchange between LEONARD, SPIRO and other DEFENDANTS likely demonstrate the STATE BAR’s wanton and reckless disregard of the conduct of its market participants. to maintain

FIFTH CAUSE OF ACTION

UNTRUE OR MISLEADING STATEMENTS IN

VIOLATION OF

BUSINESS & PROFESSIONS CODE § 17500.

(SPIRO, GONZALEZ, PENA, DAVYTYAN, HOLTON, BOUFFARD,)

303. Plaintiff re-alleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 303.

304. Plaintiff is informed and believes and thereon alleges that Defendants violated Business and Professions Code section 17500 by:

- a) disseminating, or causing to be disseminated, to the public, untrue or
 - i) misleading statements, including the statements set forth above, regarding services offered by PCL and statements connected with PCL's fundraising and operating costs, statements which Defendants and each of them knew, or reasonably should have known, were untrue or misleading at the time the statements were made;
- b) misrepresentation of matters of law or the obligations of PLAINTIFF and students which Defendants and each of them knew, or reasonably should have known, were untrue or misleading at the time the statements were made, including unfair business collection activity;
- c) representations to PLAINTIFF, students and the public that PCL offered a compliant education or failing to notice when Defendants and each of them knew, or reasonably should have known, were untrue or misleading at the time the statements were made.
- d) That law students were not members of the “public” for protection purposes.

305. STATE BAR DEFENDANTS conduct resulted in the deprivation fundamental student protections, inclusive of “due process”, that students have a right to expect of a regulator, one whose rhetoric expressly promises “careful” performance of its public protection role and was a substantial factor in causing PLAINTIFF’s injuries.

- a) PLAINTIFF sought grant of degree under various strategies after PCL was in breach of duty and contract;

b) STATE BAR requires registered schools to offer 4-year programs, except for PCL in the case of PLAINTIFF, which as an institution has been allowed to offer only 3 of the 4 years required.

c) STATE BAR does not require schools offering Juris Doctorates not marketed as leading to professional licensure to register in many cases at all. For example,

d) Even after STATE BAR

306. PCL DEFENDANTS conduct resulted in various breaches of core principles of “good faith” in contracting, fiduciary relationships as a Board Member and Officer, and several violations of rule or law around business practices and the submission of official records improperly created and filed with State agencies.

307. The defendants' actions were willful, wanton, and oppressive, justifying the imposition of punitive and exemplary damages.

308. The plaintiff is entitled to injunctive relief enjoining the defendants from making further untrue or misleading statements about their services.

309. The plaintiff is entitled to an award of attorney's fees or court costs, under applicable law.

310. The Plaintiff seeks judgment against defendants, jointly and severally, for general, special, and punitive damages, as well as injunctive relief, attorney's fees, and costs, and any further relief the court deems just and proper.

311. Plaintiff alleges that each and every Defendant sent emails and text messages in furtherance of the extortion scheme, a scheme that was for Defendants' direct pecuniary benefit, and therefore each such email and text message constitutes a separate violation of 18 U.S.C. § 1343, which prohibits the use of wire in interstate or foreign commerce to further any scheme or artifice to defraud.

312. Defendants, in engaging in and participating in the acts of unfair competition as alleged in paragraphs 23 THROUGH 29, will additionally be shown to have violated these statutes:

- a) Section 6001.1 of the State Bar Act
- b) Penal Code 132 PC - offering false evidence
- c) Penal Code 134 PC - preparing false evidence
- d) Penal Code 135 PC - destroying evidence
- e) Penal Code 136.1 PC - tampering or intimidating witnesses
- f) Penal Code 632(a) – unauthorized recording (privacy)

SIXTH CAUSE OF ACTION

CIVIL RIGHTS VIOLATIONS

UNDER 42 U.S.C. § 1981 PROVISION OF FEDERAL BAR LICENSURE

(PLAINTIFF REQUEST FOR LICENSURE)

313. Plaintiff re-alleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 312.

314. The petitioner seeks relief under 42 U.S.C. § 1981 for Federal Bar licensure as an equitable remedy to address the harm suffered and to establish normative criteria that would level the playing

1 field for other members of the public, enhance public protection, and provide just and necessary
2 mitigation to Plaintiff's injuries and foreseeable damages. This remedy is requested in part because it
3 is appropriate under 28 U.S.C. § 1654.
4

5
6 315. In support of the request for Federal Bar licensure under 42 U.S.C. § 1981, the plaintiff argues
7 that the provision of such licensure would further the purposes of the statute, which is to prohibit
8 discrimination on the basis of race or origin in the making and enforcement of contracts.
9

10 316. In other claims associated with this cause, the Plaintiff contends that the State Bar's regulations
11 and requirements for professional licensure end up discriminating against a certain subset or class of
12 market participants, specifically students who may face historical financial, demographic, or access
13 barriers. By allowing state "public" law schools to exclude certain students and residents from the
14 possibility of transfer to any UC law school, the State Bar is perpetuating systemic inequalities and
15 hindering the ability of these students to compete on an equal playing field.
16
17
18
19

20 317. STATE BAR DEFENDANTS through its regulated entity PCL and directly through its agents
21 caused or were substantial factors in the harm.
22

23 318. The STATE BAR policies are constructed or designed to allow harm to the PLAINTIFF, and any
24 other in similar circumstance, repeatedly by a regulated entity like PCL without any substantive
25 recourse and no incentive for its protective undertaking by STATE BAR staff or appointees.
26
27
28

1
2 319. The STATE BAR knew or should have known that its policies would result in student injuries
3 and that they had a duty to perform Constitutional review; they failed to do so and knowingly
4 continued enforcement of the policies.
5

6
7 320. The STATE BAR allowed unequal treatment of students knowingly, as SPIRO corrected unit
8 counts and provided a complete transcript in 2021 to other students, but PCL DEFENDANTS
9 refused to make correction to PLAINTIFF's transcript until August 2022, and then have still
10 provided a transcript that shows two fewer classes (clinical) than taken.
11

12
13 321. Given entry into the marketplace of any predatory operator, even one unlike PCL and its
14 longstanding connection between operators PENA, SPIRO, GONZALEZ and analyst LEONARD
15

16
17 322. As a potential normative remedy, by providing Federal Bar licensure as an alternative option, the
18 Court would be promoting greater access to the legal profession and increasing opportunities for
19 underrepresented groups to overcome systemic barriers in extraordinary cases. This would track the
20 remedial purpose of 42 U.S.C. § 1981 and would mitigate the plaintiff's injuries and foreseeable
21 damages while enhancing public protection. Alternatively, specific performance or the cost of two
22 additional years at a "safe" school because of the loss of credit hours and the minimum time in
23 attendance requirements of similar schools.
24

25
26 323. Therefore, the plaintiff respectfully requests that the Court grant the request for Federal Bar
27

1 licensure as both an equitable remedy for harm and to establish normative criteria to "even the
2 playing field" for other members of the public.

3
4 **SEVENTH CAUSE OF ACTION**

5
6 **CIVIL RIGHTS VIOLATIONS**

7
8 **UNDER 42 U.S.C. § 1981 AND CIVIL CODE § 52.1 (The Bane Act)**

9 **(LEONARD, SPIRO, GONZALEZ, PENA, SARINANA, CHING, DUPREE, SILBERGER,**
10 **and GILLENS)**

11
12
13 324. Plaintiff re-alleges and incorporates by reference each allegation contained in Paragraphs 1
14 through 323.

15
16 325. PLAINTIFF claims that the defendants, including LEONARD, SPIRO, GONZALEZ, PENA,
17 SARINANA, CHING, DUPREE, SILBERGER, and GILLENS, intentionally interfered with or
18 attempted to interfere with his civil rights by coercion based on a nonviolent threat with severe
19 consequences. Specifically, the defendants engaged in a conspiracy to frustrate the appropriate
20 application of administrative procedure at PCL, and misrepresented or failed to correct STATE BAR
21 or other rules in electronic communications. They used official transcripts as a form of "currency"
22 for administrative purposes, and engaged in unfair practices of unit issuance under the "color of
23 law."
24

25 326. To establish this claim, PLAINTIFF must prove all of the following:
26
27

327. That the defendants, including LEONARD, SPIRO, GONZALEZ, PENA, SARINANA, CHING, DUPREE, SILBERGER, and GILLENS, caused PLAINTIFF to reasonably believe that if he exercised his right to report misconduct, the defendants would interfere with his rights by engaging in retaliation, ostracism, and slander.

328. That the defendants acted with the constructive knowledge and intent to violate this plaintiff's protected rights because Enterprise P, including SPIRO, changed the unit awards prior to recruitment and matriculation. PCL and Enterprise P operators submitted via mail or more likely wire, transcripts and various other executed documents that would necessarily include the reported changes to STATE BAR staff who expressly or constructively knew of the violations at time of review.

329. That PLAINTIFF was harmed as a result of the defendants' interference with his rights.

330. Under the Bane Act, damages may be recovered under Civil Code section 52(a) and (b), including up to three times actual damages but a minimum of \$4,000 for violations of Civil Code sections 51 (Unruh Act), 51.5, 51.6, 51.7 (Ralph Act), and 51.9.

331. PLAINTIFF alleges that the defendants interfered with his rights secured by the Constitution and laws of the United States, and of the rights secured by the Constitution and laws of the State of California, including the right to due process, the right to free speech, and the right to be free from retaliation for reporting misconduct. These rights were interfered with through coercion based on nonviolent threats with severe consequences, including intimidation, retaliation, ostracism, and slander.

332. PCL's conduct with the State Bar employee LEONARD suggests applying the state action doctrine is appropriate. LEONARD is a government actor because she works for the STATE BAR as the Principal Program Analyst and her role is law school regulation. In performance of her role she acted as the principal compliance officer and point of contact for SPIRO and others at PCL.

333. Other “high-level” areas of the STATE BAR participated or abrogated intervention, including the Office of the OGC, including RANDOLPH, KRASILNIKOFF, and DAVYTYAN in failing to follow the required internal process removed the possibility of PLAINTIFF receiving due process, just consideration, or equal protection under the 14th Amendments promise.

334. The essence of a Bane Act claim is that the defendants, by improper means, tried to or did prevent PLAINTIFF from doing something he had the right to do under the law or to force PLAINTIFF to do something that he was not required to do under the law. The defendants' actions, including their use of official transcripts as currency for administrative purposes, their misrepresentation of State Bar rules, and their unfair practices of unit issuance under the "color of law," all aimed at frustrating PLAINTIFF's attempts to hold the defendants accountable for their misconduct.

335. Therefore, if the finder of fact concurs that PLAINTIFF is a member of a minority protected class and the Defendants, including PCL and the State Bar, engaged in conduct intentionally or otherwise discriminated to the detriment of Plaintiff in fashion likely to yield disparate and similar injuries to students like the plaintiff.

336. For making false representations about the quality of PCL's law program and the State Bar's enforcement of rules and regulations related to unaccredited fixed facility law schools, upon which for all matter PLAINTIFF relied on. As previously argued, Defendants engaged in a pattern of illegal conduct, including false advertising and unfair competition. Defendants violated 42 U.S.C. § 1981 by discriminating against Plaintiff in the making and enforcement of contracts.

337. Plaintiff may be entitled to declaratory, injunctive, and monetary relief from the defendants for their violation of 42 U.S.C. § 1981.

EIGHTH CAUSE OF ACTION

NEGLIGENCE

(SPIRO, GONZALEZ, FRANCO, DURAN, LEONARD, CHING, NUNEZ, WILSON,
SOWELL, KRAMER, CHEN, WONG, SHORES-BROOKS, LAWRENCE, XIANG,
HERMAN, CISNEROS)

338. Plaintiff re-alleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 337.

339. LEONARD: As a STATE BAR administrator, LEONARD owed a duty of care to ensure that PCL was operating in compliance with state bar rules and regulations. By facilitating the unfair practice of unit issuance under the "color of law" and misrepresenting or failing to correct state bar rules in electronic communications, LEONARD breached that duty. This breach of duty caused PLAINTIFF to suffer damages, including emotional distress and reputational harm.

340. SPIRO: As a member of PCL's Executive Committee and purportedly the school's "Chairman," SPIRO had a duty to ensure that PCL was operating in compliance with STATE BAR rules and regulations. By constructing a D&O insurance policy application without any input or knowledge beyond that of the EC, PENA and GONZALEZ, SPIRO breached that duty. This breach of duty caused PLAINTIFF to suffer damages, including emotional distress and reputational harm.

341. GONZALEZ: As a member of PCL's Executive Committee, GONZALEZ had a duty to ensure that PCL was operating in compliance with state bar rules and regulations. By issuing a letter of resignation that gaslit and maligned PLAINTIFF and encouraging the Board to take "decisive action" against him, GONZALEZ breached that duty. This breach of duty caused PLAINTIFF to

suffer damages, including emotional distress and reputational harm. In addition, as PCL's President, GONZALEZ had a duty to actively manage SPIRO, SARINANA, GONZALEZ and others in the performance of their duties and compliance with schools rules and the law.

342. FRANCO: As a member of Community Board, FRANCO had a duty to ensure that PCL was operating in compliance with the Bylaws, STATE BAR rules and regulations. By facilitating the unfair practice of unit issuance under the "color of law" and stating that "we must not unilaterally change the unit allocations since it would constitute a major change" without any legal basis, FRANCO breached that duty. This breach of duty caused PLAINTIFF to suffer damages, including emotional distress and reputational harm.

343. KRAMER: As CHAIR of CSBARS, KRAMER is an appointee and accountable for oversight of law school compliance or registration. KRAMER is entrusted to take reasonable measures or prevent misconduct from STATE BAR agents like LEONARD. As Chair and Appointee and individual, KRAMER is alleged to have negligently or willfully failed to perform when he owed a duty of care to ensure that both PCL and LEONARD were operating in compliance with the rules and regulations or that the STATE BAR ensured PCL was publicly noticed otherwise and suffered appropriate sanctions.

344. KRAMER likely has a fiduciary or other protective duty to report the misconduct of licensees that he knows to have occurred within his sphere of service on CSBARS because he is an active market participant appointed to and acting in the capacity of regulatory authority and the misconduct is directly related to the successful performance of his role.

345. In addition, as Committee Chair and public appointee, KRAMER had a duty to actively manage or oversee either LEONARD, WILSON, NUNEZ, HERSHKOWITZ, KRASILNIKOFF and others in the performance of their duties and compliance with schools rules and the law, or the work

product of these individuals and possibly others in furtherance of the reasonable performance of their duties pursuant to the State Bar Act and other statutes.

346. By facilitating the unfair practice of unit issuance by PCL under the "color of law" or misrepresenting or failing to correct state bar rules in electronic communications, LEONARD breached that duty. This breach of duty caused PLAINTIFF to suffer damages, including emotional distress and reputational harm and a violation of his rights and interest as they are likely protected under the 14th Amendment.

347. SARINANA: As a PCL Dean, SARINANA had a duty to ensure that PCL was operating in compliance with STATE BAR rules and regulations. Through lack of adequate oversight or participation and allowing mandatory routing of student complaints through "proper channels" and potentially violating state bar rules and laws, SARINANA breached that duty. This breach of duty caused PLAINTIFF to suffer damages, including emotional distress and reputational harm. SARINANA had an affirmative duty to act to correct the unit's issuance issue; he failed to do so.

348. GILLENS: As a member of PCL's Executive Committee, GILLENS had a duty to ensure that PCL was operating in compliance with state bar rules and regulations. By failing to produce a report related to the election results and denying membership on the board, GILLENS breached that duty. This breach of duty caused PLAINTIFF to suffer damages, including emotional distress and reputational harm.

NINTH CAUSE OF ACTION

RICO

DAMAGES PURSUANT TO RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT [RICO] AS AGAINST ALL DEFENDANTS - VIOLATION OF 18 U.S.C § 1962 to (CIVIL RICO) and (d) (RICO CONSPIRACY)

(AGAINST CARDONA, DAVYTYAN, AREPYTYAN, WILSON, DURAN, HERNANDEZ, POMPOSO, SPIRO, LEONARD, GONZALEZ, PENA, BOUFFARD, SOWELL, TONEY, SHELBY, HERNANDEZ, MCFARLAND, WONG, NUNEZ, CUMMINS, CAMPBELL, GARCIA, BROOKS, CHEN, MORGENSTERN, KRISILNIKOFF, ZUNIGA1, and DOES 1-88)

349. Plaintiff re-alleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 348.

350. Plaintiff alleges damages pursuant to the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C, sections 1961 et seq. Federal Courts have jurisdiction over cases arising under federal laws unless Congress has made express provision to the contrary. The RICO statute does not state or suggest that jurisdiction is to be exclusive and therefore concurrent jurisdiction is applicable for the claims herein.

351. Here, DEFENDANTS refers to ALL DEFENDANTS named and appearing immediately below the caption for the Ninth cause of action.

352. Here, PCL DEFENDANTS refers to all previously associated named directors and officers of either PCL or Enterprise P, named and appearing immediately below the caption for this Ninth cause of action.

353. STATE BAR DEFENDANTS refers to all previously associated named directors and officers of either STATE BAR or Enterprise S, named and appearing immediately below the caption for this Ninth cause of action.

354. At least since May 2018, supported by the written explanation by Robert Skeels, Esq., PCL and STATE BAR Defendants have been engaged in or facilitated the noncompliant operation of PCL as a scheme to take unfair business advantage or defraud students and donors, as alleged herein.

355. The STATE BAR is the statutory and monopoly regulator in the field of postsecondary legal education leading to licensure, tasked with interpretation, rulemaking and enforcement in all areas pursuant to §6000 - §6243, et seq.

356. PCL is an active market participant and vertical downward “competitor” as a “regulated” entity of the STATE BAR.

357. UCLA is an active market part and vertical downward “competitor” as a “regulated” entity of the STATE BAR.

358. PCL and UCLA are active market participants and horizontal competitors for purposes of RICO or antitrust analysis because they both operate postsecondary law schools; the difference in accreditation is not believed substantive for purposes of establishing whether or not an organization is a prima facie competitor.

359. Therefore, were a group of persons associated together for a common purpose of engaging in a course of conduct. This association-in-fact was an "enterprise" within the meaning of RICO, 18 U.S.C. § 1961(4). At all relevant times, Defendants enterprise was used to carry out the illegal and fraudulent activities set forth herein.

360. At all relevant times, Defendants' enterprise was engaged in activities that affected interstate commerce within the meaning of RICO, 18 U.S.C. § 1962(c).

361. 18 U.S.C. § 1343, prohibits the use of wire in interstate or foreign commerce to further any scheme or artifice to defraud.

362. As described herein, perpetrated their fraudulent Extortion Scheme through the use of wire affecting interstate and foreign commerce.

363. Plaintiff alleges that each Defendant sent emails and text messages in furtherance of the various acts or schemes, all conducted for Defendants' direct pecuniary benefit, and therefore each such email and text message constitute a separate violation of 18 U.S.C. § 1343, which prohibits the use of wire in interstate or foreign commerce to further any scheme or artifice to defraud.

364. Plaintiff seeks declaratory determinations for any and all violations sufficient to meet the criteria for "predicate acts", as determined by the finder of fact under 18 U.S.C. § 1343, be so counted whether or not the acts themselves avail themselves to a damages or legal remedy.

365. Defendants' acts in violation of 18 U.S.C. § 1343 and 18 U.S.C. § 2315 constitute a pattern of racketeering activity" within the meaning of RICO, 18U.S.C. § 1961(5).

366. Such racketeering activity included, but is not limited to, the extortion of money, misrepresentations of law, misrepresentations of fact, conversion, defamation, interference with business relationships, breaches of duty, privacy and civil rights violations or other injuries to Plaintiff.

367. PCL DEFENDANTS, and each of them, committed mail and wire fraud by the continuous use of the mail, the internet, emails and texts to accomplish their purpose of extorting money from Plaintiff.

As a result of Defendants' violation of RICO, 18 U.S.C. § 1962(c) and (d), Plaintiff has suffered damages in an amount to be determined at trial, including, but not limited to, out of pocket costs and tuition payments, interference with business relationships, loss of future earnings, Plaintiffs monetary payment to Defendants and the damages resulting from the failure to offer him classes or his degree, defamatory publications intended to damage Plaintiff's name, goodwill and reputation in the marketplace irrevocably.

- A. Gonzalez letter written November 2021, believed published to Populi by PENA, BOUFFARD, or SARIN, is an example of a "predicate act", as the effort here was to discredit the PLAINTIFF and end the pursuit of resolution AND not to correct the compliance issues.
- B. SPIRO and LEONARD's September 2022 solicitation letter, just one month after PCL provides an almost complete and "units corrected" transcript but has essentially blocked and prevented the PLAINTIFF's transfer.
- C. CHING, HOLTON and WILSON's letters on various dates supporting the STATE BAR's non-intervention or inability to assist in the matter, counter to the public protection mandate and their roles as public agents.
- D. CARDONA failed to intervene or otherwise facilitated intentional avoidance of proper procedure or due consideration when he was expressly or constructively aware.
- E. AYRAPETYAN proposed and published misleading statements in meeting minutes and otherwise facilitated and assisted STATE BAR DEFENDANTS in her capacity as Secretary.
- F. WILSON, NUNEZ, CHING, DURAN, SOWELL, SHELBY, TONEY, CHEN, WONG, and POMPOSO failed to intervene or facilitated the targeting of PLAINTIFF for retaliation by PCL

DEFENDANTS and LEONARD when all were expressly or constructively aware of duty as well as imminent or already realized harms to the Plaintiff.

368. At all relevant times, CARDONA was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

369. At all relevant times, DAVYTYAN was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

370. At all relevant times, AREPYTYAN was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

371. At all relevant times, WILSON was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

372. At all relevant times, DURAN was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

373. At all relevant times, HERNANDEZ was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

374. At all relevant times, POMPOSO was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

375. At all relevant times, SPIRO was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

376. At all relevant times, LEONARD was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

377. At all relevant times, GONZALEZ was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

378. At all relevant times, PENA was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

379. At all relevant times, BOUFFARD was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

380. At all relevant times, SOWELL was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

381. At all relevant times, TONEY was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

382. At all relevant times, SHELBY was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

383. At all relevant times, HERNANDEZ was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

384. At all relevant times, MCFARLAND was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

385. Defendants' actions violate the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961 -1968, and specifically, 18 U.S.C. § 1962(c) and (d) (RICO Conspiracy).

386. At all relevant times, WONG was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d)."

387. At all relevant times, NUNEZ was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d)."

388. At all relevant times, CUMMINS was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d)."

389. At all relevant times, CAMPBELL was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d)."

390. At all relevant times, GARCIA was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d)."

391. At all relevant times, BROOKS was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d)."

392. At all relevant times, CHEN was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d)."

393. At all relevant times, MORGENSTERN was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d)."

394. At all relevant times, ZUNIGA was and is a "person" within the meaning of RICO, 18 U.S.C. §1961 (3) and §1 962 (c)-(d).

395. Defendant natural persons held responsibility for implementing and ensuring compliance with antitrust and competition policy within the defendant organization or other relevant capacity.

396. For purposes of RICO or predicate acts, LEONARD is believed based on the evidence to operate as a "nexus" and point of interoperation or is otherwise engaged or entangled or entwined in

unfortunate combination or conspiracy, demonstrated by her sheer resiliency to stay in the same position, and the April 2023 promotion of her supervisor CHING to Director by WILSON, signaling to the public entrenched support by STATE BAR DEFENDANTS for Enterprise S agents and operators.

397. Defendant Peoples College of Law (PCL) and all PCL Defendants either participated in or failed to intervene in unfair business practices related to PCL's advertising, recruitment, administration, misrepresentations, extortion, conversion, conspiracy, constructive fraud, and other conduct that likely violates RICO and Antitrust statutes, operating an enterprise for unlawful purposes.

398. Plaintiff believes, based on information, personal experience, and Defendant reporting, that the lack of principled compliance enforcement by agents and responsible parties at the STATE BAR is a significant factor in Plaintiff's harms. The system's stated purpose is to protect the public by ensuring that market participants provide timely notice.

399. The California STATE BAR implemented underground rules and charged arbitrary and “capricious” fees while consistently failing to follow mandated administrative procedures to establish “due process” compliance under the APA and CAPA or other statutes.

400. When made expressly aware of conduct or rule with attached requirement for review under the APA, the STATE BAR continued the unlawful conduct in multiple areas of its daily operations, in violation of mandate and breach of duty clearly outside the threshold of “good faith and fair dealing”.

401. The State Bar operated to unfairly restrict law school transfers, restraining public liberty and trade while sustaining increased costs and risks to the Federal Government for legal education. By

1 allowing schools in its system to not provide “full faith and credit” by use of exclusionary rule that
2 gives the public institution permission to exclude for meritorious review state citizens and taxpayers
3 based on origin; here, the STATE BAR administers a test to students in this category as objective
4 assessment and measure of student fitness.
5

6 402. The State Bar's violation of the Federal Administrative Procedure Act and State CAPA statutes,
7 failure to perform Constitutional review of statutes, rules, or procedures, implementation and
8 enforcement of underground rules and procedures, and capricious and arbitrary use and application
9 of determination or decision-making authority all constitute unlawful, unfair, or fraudulent business
10 practices under California Business and Professions Code sections § 17200 and § 17500.
11

12 403. The State Bar's failure to follow established procedures may also be considered a violation of
13 California Business and Professions Code section § 17200 and § 17500, which prohibit any
14 unlawful, unfair, or fraudulent business act or practice. The State Bar's failure to enforce the rules
15 and regulations related to the regulation of unaccredited fixed facility law schools, including credible
16 reports of unfair collection practices, extortion, conversion, harassment, defamation, interference
17 with business relationships, and conspiracy to deprive Plaintiff of constitutional First Amendment
18 privilege and Fourth Amendment protections; all aforementioned acts likely fall under the category
19 of unlawful, unfair, or fraudulent business practice. Professions Code section 17200;
20
21

22 404. Causing or allowing PCL to violate its duties of care and failing to warn the public when the
23 parties were aware of noncompliance or had unlawful operation for a protracted period when it had
24 credible records and auditor documentation sufficient to trigger its statutory duties.
25

26 405. Failing to observe corporate formalities as required by law and by PCL's bylaws.
27

1 406. At all times relevant, the Officer/Director Defendants failed to act in good faith, in the best
2 interests of PCL, and with such care as an ordinarily prudent person in a like position would use
3 under similar circumstances.
4

5 407. The State Bar's failure to follow established procedures and other misconduct breached their
6 statutorily assigned and sworn duties under California Code, Business and Professions Code (BPC) §
7 6068 (a), (b), (c), (d), (f), (g) (a), (b). The State Bar and PCL licensee or member Defendants failed
8 to support the Constitution and the Rule of Law, to respect the courts of justice and judicial officers,
9 to maintain actions, proceedings, or defenses that are legal or just, candor and truth in statements of
10 law or legal proceedings, to advance no fact prejudicial to the honor or reputation of a party for
11 unjust cause, not to encourage either the commencement or the continuance of an action or
12 proceeding from any corrupt motive of passion or interest, to never reject, for any consideration
13 personal to himself or herself, the cause of the defenseless or the oppressed, and to cooperate with
14 the tribunal.
15
16

17 408. Defendants engaged in a pattern of illegal conduct including failure to properly apply, use, and
18 enforce the antitrust policy more than once.
19

20 409. Office of General Counsel failed to recuse on multiple occasions; Office of Chief Trial Counsel
21 failed to intervene on multiple occasions. Board of Trustees failed to intervene. All at varying times
22 had constructive or express knowledge of the circumstance.
23

24 410. No one at STATE BAR has substantively responded to PLAINTIFF's complaints or conducted
25 any investigations related to my complaints, although the school was put on probation and
26 PLAINTIFF's reports are credible with supporting evidence.
27

411. Failure to treat PLAINTIFF's complaints with the gravamen deserved by any member of the public is likely a violation of equal protection in other contexts, but here it is the purest form of intimidation tactic applied to isolate and demonstrate to the victim that there is no one to help them so their best chance is to be quiet.

412. STATE BAR DEFENDANTS likely invested the proceeds of their illegal activities into Enterprise S, as alter ego of the STATE BAR, to continue the "illusion" of proper regulatory function in law school regulation. They charged arbitrary and "capricious" fees because they failed to follow mandated administrative procedures to establish due process compliance under the APA and CAPA or other statutes required to pass evaluation prior to implementation. Plaintiff here asserts an established violation of 18 U.S.C. § 1962.

413. California STATE BAR implemented underground rules while by failing to follow mandated administrative procedure to establish "due process" compliance under the APA and CAPA or other statutes.

414. When made expressly aware of conduct or rule with attached requirement for review under the APA, STATE BAR continued in the unlawful conduct in multiple areas of its daily operations, in violation of mandate and breach of duty clearly outside the threshold of "good faith and fair dealing".

415. State Bar operated to unfairly restrict law school transfers restraining public liberty and trade while sustaining increased costs and risks to the Federal Government for legal education by allowing schools in its system to not provide "full faith and credit" by use of exclusionary rule that gives the public institution permission to exclude for meritorious review state citizens and taxpayers based on

origin; here, the STATE BAR administers a test to students in this category as objective assessment and measure of student fitness.

416. Violation of the Federal Administrative Procedure Act and State CAPA statutes; failure to perform Constitutional review of statutes, rules, or procedures; implementation and enforcement of underground rules and procedures; capricious and arbitrary use and application of determination or decision-making authority.

417. STATE BAR DEFENDANTS allowed or facilitated PCL's violation of Rule 4.246 (F) providing law study credit for a fixed-facility law school program or class offered more than ten miles from the site of the law school, outside California, or in multiple locations required a "major change" approval from the STATE BAR.

418. PCL matriculated at least one student from Arizona and other states in August 2020; that is a "major change" because it is INTERSTATE COMMERCE. PCL performed its standard "operations" here, including the award of fewer units than required, paid headhunter to bolster recruitment, contracting and payments. 18 U.S.C. § 1343, prohibits the use of wire in interstate or foreign commerce to further any scheme or artifice to defraud.

419. Similarly, "in-state" students, Nancy Popp and the Plaintiff, receive the same erroneous unit awards, indicating that the scheme is universally applied.

420. Violation of California Business and Professions Code sections § 17200 and § 17500 violations:

The State Bar's failure to follow established procedures may also be considered a violation of California Business and Professions Code section § 17200 and § 17500, which prohibit any unlawful, unfair, or fraudulent business act or practice. The State Bar's failure to enforce the rules

1 and regulations related to the regulation of unaccredited fixed facility law schools, including credible
2 report of unfair collection practices, extortion, conversion, harassment, defamation, interference with
3 business relationships, and conspiracy to deprive Plaintiff of constitutional First Amendment
4 privilege and Fourth Amendment protections. Because the acts likely fall under the category of
5 unlawful, unfair, or fraudulent business practice. These violations are particularly suggestive and
6 lend themselves to being declared predicate acts for qualification purposes.
7

8 421. Violation of California Code, Business and Professions Code (BPC) § 6068 (a), (b), (c), (d), (f),
9 (g) (a), (b),;; The State Bar and PCL licensee or member Defendants failure to follow established
10 procedures and other misconduct breached their statutorily assigned and sworn duties to support the
11 Constitution and the Rule of Law; to respect the courts of justice and judicial officers; to maintain
12 actions, proceedings, or defenses that are legal or just, candor and truth in statements of law or legal
13 proceedings; to advance no fact prejudicial to the honor or reputation of a party for unjust cause; Not
14 to encourage either the commencement or the continuance of an action or proceeding from any
15 corrupt motive of passion or interest; Never to reject, for any consideration personal to himself or
16 herself, the cause of the defenseless or the oppressed; and cooperation with the tribunal. These
17 violations are likely considered predicate acts for qualification purposes.
18
19
20

21 422. Violations of 18 U.S.C. § 1962(c) RICO Acts in Furtherance of Enterprise; by engaging in a
22 pattern of illegal conduct including failure to properly apply, use, and enforce the antitrust policy
23 more than once. Office of General Counsel failed to recuse; Office of Chief Trial Counsel failed to
24 intervene. Board of Trustees failed to intervene. All at varying times had constructive or express
25 knowledge of the circumstance.
26
27
28

423. Violations of 18 U.S.C. § 1962(a) RICO Investing Proceeds of Racketeering; by investing the proceeds of their illegal activities into the enterprise. Plaintiff here asserts an established violation of 18 U.S.C. § 1962(a) under RICO, based on credible report and personal experience that the defendants invested the proceeds of their illegal activities into Enterprise S, as alter ego of the STATE BAR, to continue the “illusion” of proper regulatory function in law school regulation.

424. PLAINTIFF believes the Court will likely find they charged “arbitrary and capricious” fees while failing to follow mandated administrative procedures to establish due process compliance under the APA and CAPA or other statutes. Here, PLAINTIFF must pay a mandatory student registration fee and testing fees for the FYLSX. Fees paid here, as part of the ADMISSIONS pogrom, are not considered included in the general fund and are re-utilized to perpetuate the pogrom.

425. Violations of 18 U.S.C. § 1962(b) in that PCL DEFENDANTS PEÑA and SPIRO maintain control of the People’s College of Law through a pattern of conduct and racketeering activity, where PEÑA maintains formal control as President and SPIRO as “arms-length” muckraker.

a) Plaintiff based on personal experience and credible information, believes the control of PCL was illegitimately obtained and maintained by SPIRO, GONZALEZ, PENA and others Enterprise P operators through specific conduct of the defendants, including, but not limited to intimidation, harassment, gaslighting, unfair business and debt collection practices, deceit and misrepresentation.

a. SPIRO’S letter of resignation letter of July 14, 2021 [asserts this as evidence of PCL’s operation as an alter ego for the DEFENDANTS, as what would ordinarily be a “substantive” change and release of control is “hobbled” for dubious cause with the effect of THE status quo preservation of actual control.

SUPPLEMENTAL FIRST AMENDED COMPLAINT FOR DAMAGES, DECLARATORY & INJUNCTIVE RELIEF

b) PEÑA or SPIRO directed or aided BOUFFARD to issue invoice and collect moneys, totaling \$7,934 under unfair terms, retaliatory intent and extortionary threat, because the PLAINTIFF did not owe the sum AND PENA, SPIRO and BOUFFARD express and constructive knowledge of this fact.

i) had prior requested accounting, the amount claimed owed did so based on the renege of an earlier employment contract and service hours already performed under PLAINTIFF's contract. PLAINTIFF was specifically targeted and threatened in intimidating with, and

c) BOUFFARD, when asked to produce proof of debt and an accounting promised that one would be forthcoming after the money was paid and review was made. No evidence of legitimate review has ever been offered by PCL or the defendants

426. PCL for its own benefit and contrary to law offered fewer units – credit hours - as a practice designed to “trap” the student after matriculation and passage of the First Year Law School Exam to strengthen the perception of its operation as a legitimate enterprise and reduce reporting and inspection burden related to STATE BAR compliance as well as attract more student prospects.

TENTH CAUSE OF ACTION

CONSPIRACY

(DEFENDANTS SARIN, BOUFFARD, PEÑA, SPIRO, GONZALEZ, LEONARD, CHING, NUNEZ, HOPE, WILSON, DURAN, SHELBY, TONEY, STALLINGS, MCFARLAND, SOWELL, ZUNIGA1, KRASILNIKOFF, MAZER)

1 427. Plaintiff re-alleges and incorporates by reference each and every allegation contained in
2 Paragraphs 1 through 426.

3
4 428. Conspiracy is an agreement by two or more persons to commit a wrongful act. The conspiracy
5 need not be secret and may be implied by the conduct of the parties.

6
7 429. California requires an overt act by at least one of the parties.

8 430. From the evidence presented, it appears likely that DEFENDANTS SARIN, BOUFFARD,
9 PEÑA, SPIRO, GONZALEZ, LEONARD, CHING, NUNEZ, HOPE, WILSON, DURAN,
10 SHELBY, TONEY, STALLINGS, MCFARLAND, SOWELL, ZUNIGA¹, and others participated
11 in a conspiracy to deny PLAINTIFF equal protection under the law. Specifically, by refusing to
12 provide PLAINTIFF with accurate transcripts or viable transfer options, failure to in good faith
13 compose or fairly process the request for a "Special Circumstance Exemption" under GULSR
14 Section 5.6 without adequate consideration, in addition to the other overt acts or steps concomitant
15 with the breach their contract and duty to him, the DEFENDANTS effectively prevented
16 PLAINTIFF from completing his legal education and obtaining his degree. DEFENDANTS planned,
17 announced and repudiated their obligations, including the statutory requirement to provide 270 hours
18 of legal education for 4 years, and thus failed to take reasonable steps to ensure its provision.
19 Additionally, DEFENDANTS violated STATE BAR guidelines and regulations, which resulted in
20 the denial of PLAINTIFF's rights to due process and equal protection under the law because the
21 defendants were aware of the required conduct at the time of negligent or intentional lapse.
22
23
24
25
26
27
28

431. When made expressly aware of conduct or rule with attached requirement for review, the STATE BAR continued or allowed to continue as the sole regulator in the field, the improper conduct in multiple areas for protracted periods of time conducted by PCL.

- a. PCL was allowed to continue in its non-compliant unit awards for years;
- b. Lack of intervention by STATE BAR facilitated PCL DEFENDANTS misconduct, as the anti-protective policy was published and followed as Rule.

432. The defendant parties are assisted by the legitimate regulatory relationship that exists between the parties, but the nature and quantity of communications from the PLAINTIFF and DEFENDANTS “in their own words” adds additional support to an affirmative finding.

433. The parties operate separate and distinct qualifying enterprises because the STATE BAR and PCL both engaged in likely tortious conduct for a continuous period to accomplish

434. The State Bar IN EFFECT facilitated an unfair circumstance, where it fails to inform the public of the known risk and then, when the unwitting is trapped, works in concert with the predator to prevent both escape and accurate record of the incident.to unfairly restrict law school transfers, restraining public liberty and trade while sustaining increased costs and risks to the Federal Government for legal education.

435. There exists an acute threat to the public because the schemes to defraud students and consumer market participants like Plaintiff are ongoing; DURAN, LEONARD, WILSON, HOLTON, RANDOLPH, CHING, NUNEZ, STALLINGS, HERMAN, SHELBY, TONEY, MCFARLAND and SPIRO, HCP, GONZALEZ, BOUFFARD, ANTONIO, GILLENS, DUPREE, FRANCO,

SARINANA as well as other members of Enterprise P and Enterprise S, as actors in actual or proximate privity to the harms to Plaintiff or the concealment of the culpable conduct, conducted individually and under “vertical merger” under the auspices of state authorized regulatory activity.

436. Here, the conduct related to an issue that could be so easily and quietly resolved by correcting a few transcripts was egregious, so egregious that it is hard to imagine any reasonable person adopting baseless position and then defending it in writing in front of the regulator. Here, licensees asserted to law enforcement and the regulator that PLAINTIFF consented to multiple privacy violations under state statute, and by allowing SPIRO, GONZALEZ, and PENA to make direct and spurious statements, knowing the issue was a “criminal matter” and providing no clarification to PCL or assistance to PLAINTIFF, seems consistent with a consolidated conspiratorial cause.

437. The State Bar's violation of the Federal Administrative Procedure Act and State CAPA statutes, failure to perform Constitutional review of statutes, rules, or procedures, implementation and enforcement of underground rules and procedures, and capricious and arbitrary use and application of determination or decision-making authority all constitute unlawful, unfair, or fraudulent business practices under California Business and Professions Code sections § 17200 and § 17500, although separate as causes or acts, suggests the DEFENDANTS concerted action. All relevant and proven violations here Plaintiff will allege are also “predicate acts” for purposes of RICO determination.

438. The State Bar's failure to follow established procedures may also be considered a violation of California Business and Professions Code section § 17200 and § 17500, which prohibit any unlawful, unfair, or fraudulent business act or practice.

1 439. The State Bar's failure to enforce the rules and regulations related to the regulation of
2 unaccredited fixed facility law schools, including credible reports of unfair collection practices,
3 extortion, conversion, harassment, defamation, interference with business relationships, and
4 conspiracy to deprive Plaintiff of constitutional First Amendment privilege and Fourth Amendment
5 protections; all aforementioned acts likely fall under the category of unlawful, unfair, or fraudulent
6 business practice. Professions Code section 17200; all of the latter are acts compatible with
7 conspiracy or inchoate acts, and here the failings are systemic.

9
10 440. Failing to observe corporate formalities as required by law and by PCL's bylaws, including the
11 Community Boards continuous failure to hold legitimate elections, illegitimate and likely ultra vires
12 conduct, combined with the submission of false statements to the Secretary of State all likely qualify
13 as unfair business practice under BPC § 17200.

14
15 441. PCL DEFENDANTS did not request, nor did they receive written resignation from the
16 PLAINTIFF. Because the PCL DEFENDANTS are both expressly and constructively aware of these
17 issues yet act in clear disregard, it strongly suggests concerted action for singular purpose.

18
19 442. PLAINTIFF has demanded an accounting, where PCL has performed fundraising guaranteeing
20 the use of funds but refuses to demonstrate that it will comply with any non-judicial demand.
21 DEFENDANTS had a duty of reasonable care. Because the PCL DEFENDANTS are both expressly
22 and constructively aware of these issues yet act in clear disregard, it strongly suggests concerted
23 action for singular purpose.
24
25
26
27

1 443. At all times relevant, the PCL DEFENDANTS failed to act in good faith, in the best interests of
2 PCL, and with such care as an ordinarily prudent person in a like position would use under similar
3 circumstances.

4
5 444. The State Bar's failure to follow established procedures and other misconduct breached their
6 statutorily assigned and sworn duties under California Code, Business and Professions Code (BPC) §
7 6068 (a), (b), (c), (d), (f), (g) (a), (b). The State Bar and PCL licensee or member Defendants failed
8 to support the Constitution and the Rule of Law, to respect the courts of justice and judicial officers,
9 to maintain actions, proceedings, or defenses that are legal or just, candor and truth in statements of
10 law or legal proceedings, to advance no fact prejudicial to the honor or reputation of a party for
11 unjust cause, not to encourage either the commencement or the continuance of an action or
12 proceeding from any corrupt motive of passion or interest, to never reject, for any consideration
13 personal to himself or herself, the cause of the defenseless or the oppressed, and to cooperate with
14 the tribunal.
15
16

17 445. Defendants engaged in a pattern of illegal conduct including failure to properly apply, use, and
18 enforce the antitrust policy more than once. Office of General Counsel failed to recuse; Office of
19 Chief Trial Counsel failed to intervene. Board of Trustees failed to intervene. All at varying times
20 had constructive or express knowledge of the circumstance. This also implies cooperation, as non-
21 conforming results are posted on the STATE BAR's public web site.
22

23 446. Defendants invested the proceeds of their illegal activities into Enterprise S, as alter ego of the
24 STATE BAR, to continue the "illusion" of proper regulatory function in law school regulation. They
25 charged arbitrary and "capricious" fees while failing to follow mandated administrative procedures
26
27

1 to establish due process compliance under the APA and CAPA or other statutes. Plaintiff here asserts
2 an established violation of 18 U.S.C. § 1962.

3
4 447. California STATE BAR implemented underground rules while by failing to follow mandated
5 administrative procedure to establish “due process” compliance under the APA and CAPA or other
6 statutes.

7
8 448. When made expressly aware of conduct or rule with attached requirement for review under the
9 APA, STATE BAR continued in the unlawful conduct in multiple areas of its daily operations, in
10 violation of mandate and breach of duty clearly outside the threshold of “good faith and fair
11 dealing”.

12
13 449. State Bar operated to unfairly restrict law school transfers restraining public liberty and trade
14 while sustaining increased costs and risks to the Federal Government for legal education by allowing
15 schools in its system to not provide “full faith and credit” by use of exclusionary rule that gives the
16 public institution permission to exclude for meritorious review state citizens and taxpayers based on
17 origin; here, the STATE BAR administers a test to students in this category as objective assessment
18 and measure of student fitness.

19
20 450. Violation of the Federal Administrative Procedure Act and State CAPA statutes; failure to
21 perform Constitutional review of statutes, rules, or procedures; implementation and enforcement of
22 underground rules and procedures; capricious and arbitrary use and application of determination or
23 decision-making authority.

24
25 451. The January 20, 2023, and RANDOLPH, in her capacity as secretary for the Office of General
26 Counsel, sent the first unsigned antitrust determination to plaintiff with OGC masthead, dated
27

January 20, 2022 and identified as “ANTITRUST DETERMINATION 2023-0001” from unsigned author. The determination includes OGC selected excerpts of the original complaint that appear selected to obscure the actual issues and exacerbate the appearance of incoherence.

452. On or about September 26, 2022, and January 20, 2023, OGC fails to recuse or in other clear, apparent, and transparent fashion remove conflict of interest issues using its own conflict of interest policy, as earlier referenced in EXHIBIT AO-1. Here, KRISILINIKOF peers and immediate supervisors, including HOLTON, GRANDT, DAVYTYAN, RANDOLPH and WILSON

453. OCTC fails to do the intervene upon OGC’s failures.

454. PLAINTIFF alleges that the STATE BAR and DEFENDANTS to this cause, were constructively and expressly aware of the circumstances, yet continued to operate in virtually “unchanged” and violative fashion to the present day.

455. Violation of California Business and Professions Code sections § 17200 and § 17500 violations: The State Bar's failure to follow established procedures may also be considered a violation of California Business and Professions Code section § 17200 and § 17500, which prohibit any unlawful, unfair, or fraudulent business act or practice. The State Bar's failure to enforce the rules and regulations related to the regulation of unaccredited fixed facility law schools, including credible report of unfair collection practices, extortion, conversion, harassment, defamation, interference with business relationships, and conspiracy to deprive Plaintiff of constitutional First Amendment privilege and Fourth Amendment protections. Because the acts likely fall under the category of unlawful, unfair, or fraudulent business practice. These violations are particularly suggestive and lend themselves to being declared predicate acts for qualification purposes.

1 456. Violation of California Code, Business and Professions Code (BPC) § 6068 (a), (b), (c), (d), (f),
2 (g) (a), (b),;; The State Bar and PCL licensee or member Defendants failure to follow established
3 procedures and other misconduct breached their statutorily assigned and sworn duties to support the
4 Constitution and the Rule of Law; to respect the courts of justice and judicial officers; to maintain
5 actions, proceedings, or defenses that are legal or just, candor and truth in statements of law or legal
6 proceedings; to advance no fact prejudicial to the honor or reputation of a party for unjust cause; Not
7 to encourage either the commencement or the continuance of an action or proceeding from any
8 corrupt motive of passion or interest; Never to reject, for any consideration personal to himself or
9 herself, the cause of the defenseless or the oppressed; and cooperation with the tribunal. These
10 violations are likely considered predicate acts for qualification purposes.
11
12

13 457. Violations of 18 U.S.C. § 1962(c) RICO Acts in Furtherance of Enterprise; by engaging in a
14 pattern of illegal conduct including failure to properly apply, use, and enforce the antitrust policy
15 more than once. Office of General Counsel failed to recuse; Office of Chief Trial Counsel failed to
16 intervene. Board of Trustees failed to intervene. All at varying times had constructive or express
17 knowledge of the circumstance.
18

19 458. Violations of 18 U.S.C. § 1962(a) RICO Investing Proceeds of Racketeering; by investing the
20 proceeds of their illegal activities into the enterprise. Plaintiff here asserts an established violation of
21 18 U.S.C. § 1962(a) under RICO, based on credible report and personal experience that the
22 defendants invested the proceeds of their illegal activities into Enterprise S, as alter ego of the
23 STATE BAR, to continue the “illusion” of proper regulatory function in law school regulation.
24 STATE BAR charged fees while failing to follow mandated administrative procedures to establish
25 due process compliance for its rulemaking and scope of authority under the APA and CAPA or other
26
27
28

statutes. Here as example, PLAINTIFF must pay mandatory fees for registration as a law school student and subsequent testing for the FYLSX. Fees paid here, as part of the ADMISSIONS pogrom, are not considered included in the “general fund” and are re-utilized to perpetuate the pogrom.

459. Violations of 18 U.S.C. § 1962(b) RICO Control of Interests in Enterprise by exerting control over the enterprise through illegal means or underground rule.

460. The September 15, 2022, email exchange to PLAINTIFF with SPIRO, PEÑA, ZUNIGA1 and LEONARD’s soliciting his “consent” change the status of classes he had already taken for credit or had retaken due to PCL’s failure to provide adequate resources for the successful operation of its programs.

461. Plaintiff is informed and believes upon credible evidence that this request was likely in direct violation of STATE BAR guidelines, that expressly prohibit taking courses for credit twice or market participant misrepresentations.

462. Plaintiff believes this is evidence of conspiracy, in that the “offer” was presented uniformly and in concert.

463. PLAINTIFF believes this was an inappropriate solicitation because the rules for law schools appear to preclude encouraging misrepresentation or falsifying records.

464. PLAINTIFF repudiated the scheme in a writing of the same day, September 15, 2022, communicated to WILSON, DAVYTYAN, LEONARD, CHING, NUNEZ, DURAN and others. Plaintiff asked specifically why the conflict of interest issues were not being addressed because he believed the continued “runaround” with the same parties acting in clear and coherent alliance abusive.

1 465. Plaintiff believes this reflects the intent to create or alter records or misrepresentation by SPIRO
2 and LEONARD because both are acting in their “official capacity”, i.e., LEONARD as Principal
3 Analyst left responsible for compliance oversight of PCL and SPIRO presumably as pro bono
4 counsel.

5
6 466. Violations of 18 U.S.C. § 1962(d) RICO Conspiracy under Subsections (a)-(d); by conspiring to
7 engage in illegal racketeering activities, including arbitrary and exclusionary policy enforcement to
8 the detriment of a specific targeted market speech.

9
10 467. Operation of RICO Enterprise: RICO Acts in Furtherance of Enterprise

11
12 468. Violations of the State Bar Act § 6001.1 - Protection of the Public by unlawfully awarding 2/3
13 rds. of the Federal and State Mandated unit hours—credits—for its regulated postsecondary legal
14 education services as defined for use under Higher Education Act Title IV requirements for
15 postsecondary institutions.

16
17 469. Tortious Breaches of the Implied Covenant of Good Faith & Fair Dealing

18 470. Contracts [Matriculation and Regulatory]

19
20 471. Performance of Fiduciary Obligations – Here, the State Bar has a duty to protect the public under
21 CBPC §6001.1 and has failed to comport its conduct or its regulatory system to the law.

22
23 472. Violations of 42 U.S.C. § 1981 Equal Protection 14th Amendment (U.S.) by violating or
24 discriminating against students based on their constitutional rights including:

- c. The UCLA is allowed to operate using exclusionary rules that prohibit merit-based application by **“Students from law schools that are only state-approved are not eligible for admission.”**
- d. PCL is allowed to violate various laws and regulatory rules with the express knowledge and facilitation of STATE BAR personnel.
- e. STATE BAR maintains policies as the sole regulator in the sphere that denies students substantive or procedural protection, in clearly stated policies communicated to every school in the marketplace.
- f. When STATE BAR receives complaints related to schools or licensees, it “fails” to address them. Michael S. Tilden, in his capacity as acting State Auditor, released a report dated April 14, 2022, that detailed that in “more than one-third of the cases we reviewed” the STATE BAR “allowed staff members to review and close complaints” when it was already known that someone in the organization had a “conflict of interest” with that attorney. A copy of the reports “Fact Sheet” can be found on the California State Auditors web site (<https://www.bsa.ca.gov/pdfs/factsheets/2022-030.pdf>).

1. Here alleged the above schools have been granted “superpowers” that have disparate negative impact in the vulnerable communities the state run unaccredited schools like PCL recruit students.

473. First Amendment - Free Speech Suppression by Conduct including violations of:

474. Penal Code 132 PC - offering false evidence.

475. Penal Code 134 PC - preparing false evidence.

- 102 -

SUPPLEMENTAL FIRST AMENDED COMPLAINT FOR DAMAGES, DECLARATORY & INJUNCTIVE RELIEF

1 476. Penal Code 135 PC - destroying evidence with "intent to deprive".

2 477. Penal Code 136.1 PC - tampering or intimidating witnesses.

3
4 478. Penal Code 148 PC - resisting arrest or obstructing a police officer (passive)

5 479. Penal Code 632.PC – violation of privacy by unlawful recording.

6
7 480. Violation Fourth Amendment – Takings Clause -By deprivation of actual constitutional rights
8 and privileges and by unlawful discrimination without rational basis or in direct conflict of protected
9 status.

10
11 481. Violations of 18 U.S.C. § 1962(b) in that PCL defendants PEÑA and SPIRO maintain control of
12 the People’s College of Law through a pattern of conduct and racketeering activity, where PEÑA
13 maintains formal control as President and SPIRO informal control.

14
15 d) Plaintiff based on personal experience and credible information, believes the control of PCL was
16 illegitimately obtained and maintained by SPIRO, GONZALEZ, PENA and others Enterprise P
17 operators through specific conduct of the defendants, including, but not limited to intimidation,
18 harassment, gaslighting, unfair business and debt collection practices, deceit and
19 misrepresentation.

20
21 482. For example, the November 28, 2021, publication of GONZALEZ’s letter, likely defamatory,
22 PLAINTIFF evidences both concerted effort to damage PLAINTIFF’s reputation and encourage
23 antagonistic-levels of ill will amongst his community peers, as the messages content was both
24 “gaslighting” and foreseeably incendiary.

e) PEÑA or SPIRO directed or aided BOUFFARD to issue invoice and collect moneys, totaling \$7,934 under unfair terms and retaliatory intent, since the plaintiff did not owe the sum, had prior requested accounting, the amount claimed owed did so based on the renege of an earlier employment contract and service hours already performed under PLAINTIFF's contract. PLAINTIFF was specifically targeted and threatened in intimidating with, and

f) BOUFFARD, when asked to produce proof of debt and an accounting promised that one would be forthcoming after the money was paid and review was made. No evidence of legitimate review has ever been offered by PCL or the defendants

483. PCL for its own benefit and contrary to law offered fewer units – credit hours - as a practice designed to “trap” the student after matriculation and passage of the First Year Law School Exam to strengthen the perception of its operation as a legitimate enterprise and reduce reporting and inspection burden related to STATE BAR compliance as well as attract more student prospects.

484. Although PCL DEFENDANTS conduct violated the law or breached its own regulatory rules, STATE BAR facilitated its continuance or concealment.

485. Pursuant to RICO, 18 U.S.C. § 1964(c)-(d), Plaintiff is entitled to recover treble damages plus costs and attorneys' fees from Defendants.

486. Plaintiff alleges that the Defendants acted willfully, maliciously and fraudulently in coercing Plaintiff to pay Defendants under threat and coercion and duress, and intentionally depriving Plaintiff of not only the money paid to Defendants, but the right under due process to receive the award of his degree, thereby justifying an award of punitive damages.

ELEVENTH CAUSE OF ACTION

COMMON LAW EXTORTION

**(DEFENDANTS SARIN, BOUFFARD, PEÑA, SPIRO, GILLENS, FRANCO, TORRES,
SANCHEZ, SILBERGER, DEUPREE and DOES 1-88)**

487. Plaintiff re-alleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 486.

488. Common law extortion is the obtaining of property from another induced by a wrongful use of force or fear, or under color of official right.

489. Here, DEFENDANTS refers to ALL DEFENDANTS named and appearing immediately below the caption for the Eleventh cause of action.

490. Here, PCL DEFENDANTS refers to all previously associated named directors and officers of either PCL or Enterprise P, named and appearing immediately below the caption for this Eleventh cause of action.

491. As alleged herein, DEFENDANTS SARIN, BOUFFARD, PEÑA, SPIRO, GILLENS, FRANCO, TORRES, SANCHEZ, SILBERGER, DEUPREE and DOES 1-88, acting under color of official right from their positions of authority with PCL, demanded or abetted and received payment from Plaintiff.

492. The PLAINTIFF was in the midst of successfully completing his studies and had made all required payments when Defendants threatened to block and not allow Plaintiff to complete his

1 studies at PCL timely if the additional sum of \$7934 was not immediately paid; Defendants
2 eventually reneged on the provision of Plaintiff's 4L year of classes, carrying out the "threat" even
3 after he had paid the \$7934.

4
5 493. Notwithstanding the payment to Defendants to continue his studies "unmolested", Plaintiff's
6 harassment was ongoing; PCL reneged on its promise to allow him to pursue his studies without
7 further interference, its agents engaging instead in targeted conduct.

8 494. As alleged herein, it appears likely that DEFENDANTS SARIN, BOUFFARD, PEÑA, SPIRO,
9 GILLENS, FRANCO, TORRES, SANCHEZ, SILBERGER, DEUPREE and DOES 1-88
10 participated in a conspiracy to deny PLAINTIFF equal protection under the law. Specifically, by
11 refusing to provide PLAINTIFF with accurate transcripts or viable transfer options, failure to in
12 good faith compose or fairly process the request for a "Special Circumstance Exemption" under
13 GULSR Section 5.6 without adequate consideration, in addition to the other overt acts or steps
14 concomitant with the breach their contract and duty to him, the DEFENDANTS effectively
15 prevented PLAINTIFF from completing his legal education and obtaining his degree.
16
17 DEFENDANTS planned, announced and repudiated their obligations, including the statutory
18 requirement to provide 270 hours of legal education for 4 years, and thus failed to take reasonable
19 steps to ensure its provision. Additionally, DEFENDANTS violated STATE BAR guidelines and
20 regulations, which resulted in the denial of PLAINTIFF's rights to due process and equal protection
21 under the law because the defendants were aware of the required conduct at the time of negligent or
22 intentional lapse.
23
24
25
26
27
28

1 495. When made expressly aware of conduct or rule with attached requirement for review, the
2 STATE BAR continued or allowed to continue as the sole regulator in the field, the improper
3 conduct in multiple areas for protracted periods of time conducted by PCL.
4

5 496. Plaintiff alleges that the Defendants acted willfully, maliciously and fraudulently in coercing
6 Plaintiff to pay Defendants under threat and coercion and duress, and intentionally depriving
7 Plaintiff of not only the money paid to Defendants, but the due process right to lawfully obtain his
8 degree, thereby justifying an award of punitive damages.
9

10
11 **TWELFTH CAUSE OF ACTION**

12 **VIOLATIONS OF CIV. CODE §52.1 – BANE ACT**

13
14 **(DEFENDANTS LEONARD, PEÑA, SPIRO, CHING, WILSON, BOUFFARD, SARIN)**

15 497. Plaintiff re-alleges and incorporates by reference each and every allegation contained in
16 Paragraphs 1 through 496.
17

18 498. Plaintiff claims that DEFENDANTS LEONARD, PEÑA, SPIRO, CHING, WILSON,
19 BOUFFARD, SARIN intentionally interfered with or attempted to interfere with his civil rights by
20 threats, intimidation, or coercion. To establish this claim Plaintiff will show:
21

22 499. That by threats, intimidation or coercion based on a nonviolent threat with severe consequences,
23 BOUFFARD, SPIRO, SARIN, PENA, LEONARD, CHING and WILSON caused HILL to
24 reasonably believe that if he exercised his right to report misconduct, SARIN or PENA would block
25 him from classes, causing the loss of at least one year of study.
26

1 500. Additionally, that by threats, intimidation or coercion based on a nonviolent threat with severe
2 consequences, BOUFFARD, SPIRO, SARIN, PENA, LEONARD, CHING and WILSON caused
3 HILL to reasonably believe that if he did not pay them moneys they knew or should have known
4 were not owed in the amount of \$7934, SARIN or PENA would block him from classes, causing the
5 loss of at least one year of study and interfering in the “fair and just” pursuit of his degree.
6

7 501. Additionally, that by threats, intimidation or coercion based on a nonviolent threat with severe
8 consequences, BOUFFARD, SPIRO, SARIN, PENA, LEONARD, CHING and WILSON caused
9 HILL to reasonably believe that if he did not pay them moneys they knew or should have known
10 were not owed in the amount of \$7934, SARIN or PENA would block him from classes, causing the
11 loss of at least one year of study and interfering in the “fair and just” pursuit of his degree.
12

13 502. Here, in fact, as demonstrated at various times SPIRO, LEONARD, PENA and SARIN did in
14 fact act to interfere with Plaintiff’s pursuit of education.

15 503. Furthermore, that WILSON, CHING and LEONARD, under “color of law” by threats,
16 intimidation or coercion based on a nonviolent threat with severe consequences, caused HILL to
17 reasonably believe that if he did not pay them moneys ALL likely knew or should have known were
18 not owed in the amount of \$7934, SARIN or PENA would be allowed to block him from classes,
19 causing the loss of at least one year of study, as it was clear from their prior communications that
20 they would enforce the “non-intervention” policy.
21

22 504. BOUFFARD, PENA and SARIN intended to deprive the Plaintiff of enjoyment of the interests
23 protected by his contractual rights; here PENA and SARIN, as members of the “EC”, had the ability
24 and controlled the means required to carry out the threats and did in fact carry out the threats even
25 after payment, including blocking or expelling the student from his classes.
26
27

505. The Plaintiff was harmed and the harm continues as BOUFFARD, SPIRO, SARIN, and PENA have failed to return moneys owed and have reneged on their contractual and statutory obligations.

506. Additionally, DEFENDANTS violated STATE BAR guidelines and regulations, which resulted in the denial of PLAINTIFF's rights to due process and equal protection under the law because the defendants were aware of the required conduct at the time of negligent or intentional lapse.

507. When made expressly aware of conduct or rule with attached requirement for review, the STATE BAR continued or allowed to continue as the sole regulator in the field, the improper conduct in multiple areas for protracted periods of time conducted by PCL.

508. Plaintiff alleges that the Defendants acted willfully, maliciously, and fraudulently in coercing Plaintiff to pay Defendants under threat and coercion and duress, and intentionally depriving Plaintiff of not only the money paid to Defendants, but the due process right to lawfully obtain his degree, thereby justifying an award of punitive damages.

509. Here, the coercion and deprivation of money was also enacted to “disincentivize” student transfer and the exercise of consumer liberty.

510. Plaintiff alleges that WILSON, CHING, SPIRO, LEONARD, sent emails and text messages in furtherance of the Extortion Scheme, a scheme that was for Defendants' direct pecuniary benefit, and therefore each such email and text message constitutes a separate violation of 18 U.S.C. § 1343, which prohibits the use of wire in interstate or foreign commerce to further any scheme or artifice to defraud.

IV. REMEDIES

511. Plaintiff re-alleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 650.

512. Plaintiff prays for judgment as follows:

513. For a permanent injunction, enjoining PCL Defendants, their employees, agents, servants, representatives, successors, and assigns, any and all persons acting in concert or participation with them, and all other persons, corporations, or other entities acting under, by, through or on their behalf, from doing any of the following until they have first provided a full and complete accounting for all funds received by, and disbursed from; any and all financial accounts of PCL from its inception to the present: (1) expending, disbursing, transferring, encumbering, withdrawing or otherwise exercising control over any funds received by or on behalf of PCL or rightfully due PCL except as authorized by the Court; (2) conducting business of any kind on behalf of, or relating to PCL other than as necessary to assist with disgorgement, transfer or dissolution; and (3) controlling or directing the operations and affairs of any California nonprofit or public benefit corporation;

514. That an order issue directing that PCL Defendants and each of them, render to the Court and to the Plaintiff a full and complete accounting of the financial activities and condition of PCL from their inception to the present, to include the expenditure and disposition of all revenues and assets received by or on behalf of PCL. Upon the rendering of such accounting, that the Court determine the property, real or personal, or the proceeds thereof, to which PCL and other beneficiaries thereof are lawfully entitled, in whatsoever form in whosoever hands they may now be, and order and declare that all such property or the proceeds thereof is impressed with a trust for charitable purposes, that defendants are constructive trustees of all

such charitable funds and assets in their possession, custody or control, and that the same shall be deposited forthwith in Court by each and every defendant now holding or possessing the same or claiming any rights, title or interest therein. In addition, that these defendants be surcharged and held liable and judgment entered against each of them for any and all such assets for which they fail to properly account, together with interest thereon at the legal rate from the date of liability thereon; and that any and all expenses and fees incurred by Defendants in this action be borne by the individual defendants and each of them and not by PCL or any other public or charitable corporation or fund;

515. Plaintiff seeks grant of an earned Juris Doctorate and asks for the court to direct specific performance for its delivery to the State Bar as regulator and degree authority.

516. Plaintiff seeks admission to the Federal Bar and provides an initial attestation in specific support of that request.

517. Plaintiffs ask for Declaratory relief and for this Court to expressly affirm that Defendant STATE OF CALIFORNIA (“State”) through its monopoly regulatory entity THE STATE BAR has a self-executing, threshold duty to determine the “actual costs” needed to provide law students in all California districts with the opportunity to obtain a sound basic legal education in a manner correspondent with public safety and its statutory obligations, and then to operate in good faith seeking to fully fund its share of such costs and perform its regulatory responsibilities. The State Bar cannot possibly “ensure” its finance system can provide constitutionally sufficient funding until it adheres to this threshold duty, and it apparently will not without this Court’s express affirmation that it must as it has failed to follow the mandates of its own policies or state administrative orders.

1 518. For damages resulting from Defendants' violations of RICO and fiduciary duty, Plaintiff
2 seeks an amount to be determined following an accounting, but believed to be more than \$5
3 million, plus interest at the legal rate until the judgment is paid.
4

5 519. Plaintiff also seeks punitive and exemplary damages against Defendants according to proof.

6 520. Plaintiff seeks special damages.
7

8 521. Plaintiff requests that the Court assess civil penalties against all Defendants under California
9 Civil Code section 51 for violating the Unruh Civil Rights Act (Civ. Code§ 51 et seq.) of four
10 thousand dollars (\$4,000) against Defendants for each violation of Business and Professions
11 Code section 17200, as proved at trial, for at least \$100,000.
12

13 522. Under Business and Professions Code section 17206, Plaintiff requests that the Court assess
14 a civil penalty of two thousand five hundred dollars (\$2,500) against Defendants for each
15 violation of Business and Professions Code section 17200, as proved at trial, for at least
16 \$100,000.
17

18 523. By Business and Professions Code section 17536, Plaintiff requests that the Court assess a
19 civil penalty of two thousand five hundred dollars (\$2,500) against Defendants for each
20 violation of Business and Professions Code section 17500, as proved at trial, for at least
21 \$100,000.
22

23 524. Under Business and Professions Code section 17206.1, Defendants and each of them should
24 be ordered to pay a civil penalty of \$2,500 for each violation of Business and Professions Code
25 section 17200 that was perpetrated against a senior citizen or disabled person, as proved at trial,
26 for at least \$500,000.
27

1 525. Pursuant to Business and Professions Code section 17203, Plaintiff seeks a permanent
2 injunction enjoining Defendants, their successors, agents, representatives, employees, and all
3 persons who act in concert with, or on behalf of, defendants from engaging in unfair
4 competition as defined in Business and Professions Code section 17200, including, but not
5 limited to, those acts and omissions alleged in this Complaint.
6

7 526. Plaintiff also requests that the Court order the involuntary dissolution of PCL under
8 Corporations Code section 6518 and establish a procedure for determining the disposition of
9 PCL's assets in a manner consistent with their charitable purposes and consistent with any
10 lawful restrictions that have been placed upon any of their remaining assets or oversight of a
11 Trustee to oversee that appropriate elections are held.
12

13 527. Related to the above, Plaintiff requests that the Court order the permanent removal of the
14 defendants under Corporations Code section 5223 as the Court deems appropriate.
15

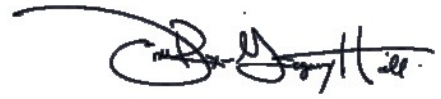
16 528. Plaintiff seeks declaration of his "good faith" indemnification, as such indemnity was
17 unfairly questioned and denied by PCL DEFENDANTS.
18

19 529. For Plaintiff's costs of suit and other costs under Government Code section 12598, and for
20 Plaintiff's attorney fees as provided in Government Code section 12598 and Code of Civil
21 Procedure section 1021.8, and for such other relief as the Court may order.
22
23
24
25
26
27

1 **PLAINTIFF VERIFIES THE TRUTH AND BELIEF IN THE TRUTH OF THOSE MATTERS**
2 **DESCRIBED “UNDER PENALTY OF PERJURY” AND THEREFORE THIS COMPLAINT IS**
3 **DEEMED VERIFIED UNDER THE PROVISIONS OF CODE OF CIVIL PROCEDURE**
4
5 **SECTION 446.**

6 Dated: April 28, 2023

7 Respectfully submitted,

8
9 

10
11 TODD R. G. HILL

12
13 PRO SE LITIGANT
14
15
16
17
18
19
20
21
22
23
24
25
26
27